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F.No.13/1/2022-23-LGP dated 04.01.2023 :- The following Notifications of Government of India are hereby republished for general information vide F.No.8/9/2022-LE&T dated 05.01.2023.

Sd/-

Director (Printing & Stationery)

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 7th July, 2020

G.S.R. 432(E).—The following draft rules, which the Central Government proposes to make in exercise of the powers conferred by section 67 of the Code on Wages, 2019 (29 of 2019) read with section 24 of the General Clauses Act, 1897 (10 of 1897) and in supersession of the –

- (i) Payment of Wages (Procedure) Rules, 1937;
- (ii) Payment of Wages (Nomination) Rules, 2009;
- (iii) Minimum Wages (Central) Rules, 1950;
- (iv) Minimum Wages (Central Advisory Board) Rules, 2011;
- (v) Ease of Compliance to Maintain Register under various Labour Laws Rules, 2017 to the extent these rules are made in exercise of the powers conferred by section 13 of the Equal Remuneration Act, 1976 (25 of 1976), section 29 and section 30 of the Minimum Wages Act, 1948 (11 of 1948) and section 26 of the Payment of Wages Act, 1936 (4 of 1936) and applicable accordingly;
- (vi) Payment of Bonus Rules, 1975;
- (vii) Equal Remuneration Rules, 1976; and
- (viii) Central Advisory Committee on Equal Remuneration Rules, 1991;

made by the Central Government in exercise of the powers conferred by the Payment of Wages Act, 1936 (4 of 1936), the Minimum Wages Act, 1948 (11 of 1948), the Payment of Bonus Act, 1965 (21 of 1965) and the Equal Remuneration Act, 1976 (25 of 1976), as the case may be, which are repealed by section 69 of the said Code on Wages, 2019, except as respects things done or omitted to be done before such supersession, are hereby notified, as required by sub-section (1) of said section 67, for information of all persons likely to be affected thereby and the notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of forty-five days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to Shri M. A. Khan, Deputy Director(ma.khan15@nic.in), and Smt. Rachana Bolimera, Assistant Director (r.bolimera@nic.in), Government of India, Ministry of Labour and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001.

Objections and suggestions, which may be received from any person with respect to the said draft notification before expiry of the period specified above, will be considered by the Central Government.

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) These rules may be called the Code on Wages (Central) Rules, 2020.

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(2) They extend to the whole of India.

(3) They shall come into force after the date of their final publication in the Official Gazette, on the date of the commencement of the Code on Wages, 2019 (29 of 2019).

2. Definitions.— In these rules, unless the subject or context otherwise requires, —

- (a) “authority” means the authority appointed by the Central Government under sub-section (1) of section 45;
- (b) “appellate authority” means the appellate authority appointed by the Central Government under sub-section (1) of section 49;
- (c) “appeal” means an appeal preferred under sub-section (1) of section 49;
- (d) “Board” means the Central Advisory Board constituted by the Central Government under sub-section (1) of section 42;
- (e) “Chairperson” means the chairperson of the Board;
- (f) “Code” means the Code on Wages, 2019 (29 of 2019);
- (g) “committee” means a committee appointed by the Central Government under clause (a) of sub-section (1) of section 8;
- (h) “day” means a period of 24 hours beginning at mid-night;
- (i) “Form” means a form appended to these rules;
- (j) “highly skilled occupation” means an occupation which calls in its performance a specific level of perfection and required competence acquired through intensive technical or professional training or practical occupational experience for a considerable period and also requires of an employee to assume full responsibility for his judgement or decision involved in the execution of such occupation;
- (k) “Inspector-cum-Facilitator” means a person appointed by the Central Government, by notification under sub-section (1) of section 51;
- (l) “member” means a member of the Board and includes its Chairperson;
- (m) “metropolitan area” means a compact area having a population of forty lakhs or more comprised in one or more districts;
- (n) “non-metropolitan area” means a compact area having a population of more than ten lakhs but less than forty lakhs, comprised in one or more districts;
- (o) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (p) “registered trade union” means a trade union registered under The Trade Unions Act, 1926 (16 of 1926);
- (q) “rural area” means the area which is not the metropolitan area or non-metropolitan area;
- (r) “Schedule” means the schedule to these rules;
- (s) “section” means a section of the Code;
- (t) “semi-skilled occupation” means an occupation which in its performance requires the application of skill gained by the experience on job which is capable of being applied under the supervision or guidance of a skilled employee and includes supervision over the unskilled occupation;
- (u) “skilled occupation” means an occupation which involves skill and competence in its performance through experience on the job or through training as an apprentice in a technical or vocational institute and the performance of which calls for initiating and judgement;
- (v) “unskilled occupation” means an occupation which in its performance requires the application of simply the operating experience and involves no further skills;
- (w) all other words and expressions used herein in these rules and not defined shall have the meanings respectively assigned to them under the Code.

CHAPTER II

Minimum wages

3. Manner of calculating the minimum rate of wages.—(1) for the purposes of sub-section (5) of section 6, the minimum rate of wages shall be fixed on the day basis keeping in view the following criteria*, namely:—

- (I) the standard working class family which includes a spouse and two children apart from the earning worker; an equivalent of three adult consumption units;
- (II) A net intake of 2700 calories per day per consumption unit;
- (III) 66 meters cloth per year per standard working class family;
- (IV) Housing rent expenditure to constitute 10 per cent of food and clothing expenditure;
- (V) Fuel, electricity and other miscellaneous items of expenditure to constitute 20 percent of minimum wage; and
- (VI) Expenditure for children education, medical requirement, recreation and expenditure on contingencies

* The provisions of the rule 3 are based on the criteria declared in the judgment in Workmen Represented by Secretary vs. Management of Reptakos Brett. And Co. Ltd. and Anr., **1992 AIR 504** pronounced by the Hon'ble Supreme Court and on the recommendations of the 15th Indian Labour Conference (ILC).

to constitute 25 percent of minimum wage;

(2) when the rate of wages for a day is fixed, then, such amount shall be divided by eight for fixing the rate of wages for an hour and multiplied by twenty six for fixing the rate of wages for a month and in such division and multiplication the factors of one-half and more than one-half shall be rounded as next figure and the factors less than one-half shall be ignored.

4. Norms for fixation of minimum rate of wages.—(1) While fixing the minimum rate of wages under section 6, the Central Government shall divide the concerned geographical area into three categories, that is to say the metropolitan area, non-metropolitan area and the rural area.

(2) The Central Government shall constitute a technical committee for the purpose of advising the Central Government in respect of skill categorization, which shall consist of the following members, namely:—

- (i) Chief Labour Commissioner (Central) - Chairperson;
- (ii) Joint Secretary to the Government of India in the Ministry of Labour and Employment dealing with the wages - Member;
- (iii) A representative from the Ministry of Skill Development and Entrepreneurship, Government of India, dealing with skill development - Member;
- (iv) Director General of Employment, Government of India, Ministry of Labour and Employment - Member;
- (v) Two technical experts in wage determination as nominated by the Central Government - Members; and
- (vi) the Deputy Secretary to the Government of India, in the Ministry of Labour & Employment, dealing with the wages - Member Secretary.

(3) The Central Government shall, on the advice of the technical committee referred to in sub-rule (2), categorize the occupations of the employees into four categories that is to say unskilled, semi-skilled, skilled and highly skilled by modifying, deleting or adding any entry in the categorization of such occupations specified in Schedule E.

(4) The technical committee referred in sub-rule (2) shall while advising the Central Government under sub-rule (3) take into account, to the possible extent, the national classification of occupation or national skills qualification frame work or other similar frame work for the time being formulated to identify occupations.

5. Time Interval for revision of dearness allowance.— Endeavour shall be made so that the cost of living allowance and the cash value of the concession in respect of essential commodities at concession rate shall be computed once before 1st April and then before 1st October in every year to revise the dearness allowance payable to the employees on the minimum wages.

6. Number of hours of work which shall constitute a normal working day.—(1) The normal working day under clause (a) of sub-section (1) of section 13 shall be comprised of eight hours of work and one or more intervals of rest which in total shall not exceed one hour.

(2) The working day of an employee shall be so arranged that inclusive of the intervals of rest, if any, it shall not spread over more than twelve hours on any day.

(3) The provisions of sub-rules (1) and (2) shall, in the case of an employee employed in agricultural employment, be subject to such modifications as may, from time to time, be determined by the Central Government.

(4) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 (63 of 1948).

7. Weekly day of rest.— (1) Subject to the provisions of this rule, an employee shall be allowed a day of rest every week (hereinafter referred to as “the rest day”) which shall ordinarily be Sunday, but the employer may fix any other day of the week as the rest day for any employee or class of employees:

Provided that an employee shall be entitled for the rest day under this sub-rule if he has worked under the same employer for a continuous period of not less than six days:

Provided further that the employee shall be informed of the day fixed as the rest day and of any subsequent change in the rest day before the change is effected, by display of a notice to that effect in the place of employment at the place specified by the Inspector-cum-Facilitator in this behalf.

Explanation.— For the purpose of computation of the continuous period of not less than six days specified in the first proviso to this sub-rule, any day on which an employee is required to attend for work but is given only an allowance for attendance and is not provided with work, a day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947 (14 of 1947), and any leave or holiday, with or without

pay, granted by the employer to an employee in the period of six days immediately preceding the restday, shall be deemed to be days on which the employee has worked.

(2) Any such employee shall not be required or allowed to work on the rest day unless he has or will have a substituted rest day for a whole day on one of the five days immediately before or after the restday:

Provided that no substitution shall be made which will result in the employee working for more than ten days consecutively without a rest day for a whole day.

(3) Where in accordance with the foregoing provisions of this rule, any employee works on a rest day and has been given a substituted rest day on any one of the five days before or after the rest day, the rest day shall, for the purpose of calculating the weekly hours of work, be included in the week in which the substituted rest day occurs.

(4) An employee shall be granted-

- (a) for rest day wages calculated at the rate applicable to the next preceding day; and
- (b) where he works on the rest day and has been given a substituted rest day,

then, he shall be paid wages for the rest day on which he worked, at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceding day:

Provided that where-

- (i) the minimum rate of wages of the employee as notified under the Code has been worked out by dividing the minimum monthly rate of wages by twenty- six; or
- (ii) the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twenty-six and such actual daily rate of wages is not less than the notified minimum daily rate of wages of the employee,

then, no wages for the rest day shall be payable; and

- (iii) the employee works on the rest day and has been given a substituted rest day, then, he shall be paid, only for the rest day on which he worked, an amount equal to the wages payable to him at the overtime rate;

and, if any dispute arises whether the daily rate of wages has been worked out in accordance with the provisions of this proviso, the Chief Labour Commissioner(Central) or the Deputy Chief Labour Commissioner (Central) having territorial jurisdiction may, on application made to him in this behalf, decide the same, after giving an opportunity to the parties concerned to make written representations.

Provided further that in case of an employee governed by a piece-rate system, the wages for the rest day, or the substituted rest day, as the case may be, shall be such as the Central Government may, from time to time determine having regard to the minimum rate of wages fixed under the Code, in respect of the employment.

Explanation.-In this sub-rule 'next preceding day' means the last day on which the employee has worked, which precedes the rest day or the substituted rest day, as the case may be; and where the substituted rest day falls on a day immediately after the rest day, the next preceding day means the last day on which the employee has worked, which precedes the rest day.

(5) The provisions of this rule shall not operate to the prejudice of more favourable terms, if any, to which an employee may be, entitled under any other law or under the terms of any award, agreement or contract of service, and in such a case, the employee shall be entitled only to more favourable terms aforesaid.

Explanation.- For the purposes of this rule, 'week' shall mean a period of seven days beginning at midnight on Saturday night.

8.Night shifts.—Where an employee in an employment works on a shift which extends beyond midnight, then, -

- (a) a rest day for the whole day for the purposes of rule 7 shall, in this case means a period of twenty-four consecutive hours beginning from the time when his shift ends; and
- (b) the following day in such a case shall be deemed to be the period of twenty-four hours beginning from the time when such shift ends, and the hours after midnight during which such employee was engaged in work shall be counted towards the previous day.

9. The extent and conditions for the purposes of sub-section (2) of section 13.-In case of employees-

- (a) engaged in any emergency which could not have been foreseen or prevented;
- (b) engaged in work of the nature of preparatory or complementary work which must necessarily be

carried on outside the limits laid down for the general working in the employment concerned;

- (c) whose employment is essentially intermittent;
- (d) engaged in any work which for technical reasons has to be completed before the duty is over; and
- (e) engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces;

the provisions of rules 6, 7 and 8 shall apply subject to the condition that –

- (i) the spread over of the hours of work of the employee shall not exceed 16 hours in any day; and
- (ii) the actual hours of work excluding the intervals of rest and the periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attendance shall not exceed 9 hours in any day.

10. Longer wage period.—The longer wage period for the purposes of minimum rate of wages under section 14 shall be by the month.

CHAPTER III

Floor Wages

11. Manner of fixing floor wage.—(1) The Board shall be consulted by the Central Government for the purpose of fixing the floor wage under sub-section (1) of section 9, taking into account the minimum living standard including the food, clothing, housing and any other factors considered appropriate by the Central Government from time to time of the standard working class family as specified in clause (i) of sub-rule (1) of rule 3.

(2) The advice of the Board obtained in consultation under sub-rule (1) shall be circulated by the Central Government to all State Governments for consultation with them.

(3) The advice of the Board referred to in sub-rule (2) and the views of the State Governments received in consultation referred to in that sub-rule shall be considered before fixing the floor wage under sub-rule (1).

(4) The Central Government may revise the floor wage fixed under sub-rule (1) ordinarily at an interval not exceeding five years and undertake adjustment for variations in the cost of living periodically in consultation with the Board.

11A.—Circumstances under clause (ii) of the proviso to section 10.—An employee shall not be entitled to receive wages for a full normal working day under section 10, if he is not entitled to receive such wage under any other law for the time being in force.

12. Manner of consultation with State Governments.—The Central Government shall obtain the advice of the Board and consult such State Governments as it thinks necessary before fixing the floor wage under rule 11.

CHAPTER IV

PAYMENT OF WAGES

13. Recovery under sub-section (4) of section 18.—where the total deductions authorized under sub-section (2) of section 18 exceed fifty per cent. Of the wages of an employee, the excess shall be carried forward and recovered from the wages of succeeding wage period or wage periods, as the case may be, in such installments so that the recovery in any month shall not exceed the fifty per cent. Of the wages of the employee in that month.

14. the authority under sub-section (1) of section 19.—the deputy chief labour commissioner (central) having jurisdiction over the place of work of the employee concerned shall be the authority for the purposes of sub-section (1) of section 19.

15. The manner of exhibiting the notice under sub-section (2) of section 19.—a notice referred to in sub-section (2) of section 19 shall be displayed at the conspicuous places in the premises of the work place in which the employment is carried on, so that every concerned employee would be able easily to read the contents of the notice and a copy of the notice shall be sent to the inspector-cum-facilitator having jurisdiction.

16. The procedure under sub-section (3) of section 19.—the employer shall give an intimation in writing specifying therein the detailed particulars for obtaining the approval of the imposition of fine to the deputy chief labour commissioner (central) referred to in rule 14 who shall, before granting or refusing the approval, give opportunity of being heard to the employee and the employer concerned.

17. Intimation of deduction.-(1)Where an employer makes any deduction in pursuance of the proviso to sub-section (2) of section 20, he shall make intimation of such deduction to the Inspector-cum-Facilitator having jurisdiction within 10 days from the date of such deduction explaining therein the reason of such deduction.

(2) The Inspector-cum-Facilitator shall, after receiving intimation under sub-rule (1), examine such intimation and if he finds that the explanation given therein is in contravention of any provision of the Code or the rules made there under, he shall initiate appropriate action under the Code against the employer.

18. Procedure for deduction under sub-section (2) of section 21.-Any employer desiring to make deduction for damages or loss under sub-section (1) of section 21 from the wages of an employee shall,-

- (i) explain to the employee personally and also in writing the damage or loss of goods expressly entrusted to the employee for custody or for loss of money for which he is required to account and how such damages or loss is directly attributable to the neglect or default of the employee; and
- (ii) thereafter, give the employee an opportunity to offer any explanation and deduction for any damages or loss, if made, shall be intimated to the employee within fifteen days from the date of such deduction.

19. Conditions regarding recovery of advance under section 23.-The recovery, as the case may be of,-

- (i) advances of money given to an employee after the employment begins under clause (b) of section 23; or
- (ii) advances of wages to an employee not already earned under clause (c) of section 23,

shall be made by the employer from the wages of the concerned employee in installments determined by the employer, so as any or all installments in a wage period shall not exceed fifty per cent. of the wages of the employee in that wage period and the particulars of such recovery shall be recorded in the register maintained in Form-I.

20. Deduction under section 24.-Deductions for recovery of loans granted for house building or other purposes approved by the Central Government, and the interest due in respect thereof shall be, subject to any direction made or circular issued by the Central Government from time to time regulating the extent to which such loans may be granted and the rate of interest shall be payable thereon.

CHAPTER V

Payment of Bonus

21. Calculation of set on or set off for the sixth accounting year.-For the sixth accounting year, set on or set off, as the case may be, shall be made under clause (i) of sub-section (7) of section 26, in the manner illustrated in Schedule A, taking into account the excess or deficiency, if any, as the case may be, of the allocable surplus set on or set off in respect of the fifth and sixth accounting years.

22. Calculation of set on or set off for the seventh accounting year.-For the seventh accounting year, set on or set off, as the case may be, shall be made under clause (ii) of sub-section (7) of section 26, in the manner illustrated in Schedule A, taking into account the excess or deficiency, if any, as the case may be, of the allocable surplus set on or set off in respect of the fifth, sixth and seventh accounting years.

23. Computation of gross profits under clause (a) of section 32.-The gross profits derived by an employer from an establishment in respect of the accounting year shall in the case of banking company, be calculated in the manner specified in Schedule B.

24. Computation of gross profits under clause (b) of section 32.-The gross profits derived by an employer from an establishment in respect of the accounting year in a case other than banking company, be calculated in the manner specified in Schedule C.

25. Deduction of further sums under clause (c) of section 34.-The further sums as are specified in respect of the employer in Schedule D shall be deducted from the gross profit as prior charges under clause (c) of section 34.

26. Manner of carrying forward under sub-section (1) of section 36.- Where for any accounting year, the allocable surplus exceeds the amount of maximum bonus payable to the employees in the establishment under section 26, then, the excess shall, subject to a limit of twenty per cent. of the total salary or wage of the employees employed in the establishment in that accounting year, be carried forward for being set on in the succeeding accounting year and so on up to and inclusive of the fourth accounting year to be utilised for the purpose of payment of bonus in such manner as illustrated in Schedule A.

27.Manner of carrying forward under sub-section (2) of section 36.- Where for any accounting year, there is no available surplus or the allocable surplus in respect of that year falls short of the amount of minimum bonus payable to the employees in the establishment under section 26, and there is no amount or sufficient amount carried forward and set on under rule 26 which could be utilized for the purpose of payment of the minimum bonus, then, such minimum amount or the deficiency, as the case may be, shall be carried forward for being set off in the succeeding accounting year and so on up to and inclusive of the fourth accounting year in such manner illustrated in Schedule A.

CHAPTER VI

Central Advisory Board

A. Procedure of Central Advisory Board under sub-section (10) of section 42

28. Constitution of the Board.-(1) The Board shall consist of the persons to be nominated by the Central Government representing employers and employees as specified in clauses (a) and (b) of sub-section (1) of section 42 and the independent persons and representatives of the State Governments as specified in clauses (c) and (d) of that sub-section.

(2) The persons representing employers as referred to in clause (a) of sub-section (1) of section 42 shall be twelve and the persons representing employees referred to in clause (b) of that sub-section shall also be twelve.

(3) The independent persons specified in clause (c) of sub-section (1) of section 42 to be nominated by the Central Government shall consist of the following, namely:-

- (i) the Chairperson;
- (ii) two Members of Parliament;
- (iii) four memberseach of whom,shall be a professional in the field of wages and labour related issues;
- (iv) one member who is or has been a presiding officer of an Industrial Tribunal constituted by the Central Government under section 7A of the Industrial Disputes Act, 1947 (14 of 1947); and
- (v) two members, each of whom shall be the Chairperson of such State Advisory Board referred to in sub-section (4) of section 42, to the extent possible, has been taken in rotation from the States.

(4) The five representatives of the State Governments referred to in clause (d) of section 42 shall each be the Principal Secretary or Secretary or Commissioner of the State Labour Department of such States as the Central Government may determine from time to time on rotation basis.

(5) The Central Government shall, while nominating the members of the Board, take into account that the independent members under sub-rule (2) shall not exceed one-third of the total members of the Board and one-third of the members of the Board shall be women.

29. Additional functions of the Board.- In addition to the functions specified in sub-section (3) of section 42, the Board on reference by the Central Government advise that Government on the issue relating to the fixation of minimum wages in respect of-

- (i) working journalists as defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act,1955 (45 of 1955); and
- (ii) sales promotion employees as defined in clause (d) of section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976).

30. Meeting of the Board. - The Chairperson may, subject to the provisions of rule 32, call a meeting of the Board,at any time he thinks fit:

Provided that on requisition in writing from not less than one half of the members, the Chairperson shall call a meeting within thirty days from the date of the receipt of such requisition.

31. Notice of meetings. - The Chairperson shall fix the date, time and place of every meeting and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post and electronically at least fifteen days before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of seven days only may be given to every member.

32. Functions of Chairperson. – The Chairperson shall-

- (i) preside at the meetings of the Board:

Provided that in the absence of the Chairperson at any meeting, the members shall elect from amongst themselves by a majority of votes, a member who shall preside at such meeting;

- (ii) decide agenda of each meeting of the Board;
- (iii) where in the meeting of the Board, if any issue has to be decided by voting, conduct the voting and count or cause to be counted the secret voting in the meeting.

33. Quorum. - No business shall be transacted at any meeting unless at least one-third of the members and at least one representative member each of both the employers and an employee are present:

Provided that, if at any meeting less than one-third of the members are present, the Chairperson may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present:

Provided further that the date, time and place of such adjourned meeting shall be intimated to all the members electronically or by a Registered post.

34. Disposal of business of the Board.- All business of the Board shall be considered at a meeting of the Board, and shall be decided by a majority of the votes of members present and voting and in the event of an equality of votes, the Chairperson shall have a casting vote:

Provided that the Chairperson may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and by securing written opinion of the members:

Provided further that no decision on any matter under the preceding proviso shall be taken, unless supported by not less than two-thirds majority of the members.

35. Method of voting.- Voting in the Board shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairperson so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairperson may decide.**36. Proceedings of the meetings.**- (1) The proceedings of each meeting of the Board showing inter alia the names of the members present thereat shall be forwarded to each member and to the Central Government as soon after the meeting as possible, and in any case, not less than seven days before the next meeting.

(2) The proceedings of each meeting of the Board shall be confirmed with such modification, if any, as may be considered necessary at the next meeting.

37. Summoning of witnesses and production of documents.- (1) The Chairperson may summon any person to appear as a witness if required in the course of the discharge of his duty and require any person to produce any document.

(2) Every person who is summoned and appears as a witness before the Board shall be entitled to an allowance for expenses by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing before a civil court.

38. Appointment of the committees.- The Central Government may constitute as many committee under clause (a) of sub-section (1) of section 8 as it considers necessary for the purposes specified in that clause.**B. Terms of office of members of the Board under sub-section (11) of section 42****39. Term of office of members of the Board.**-(1)The term of office of the Chairperson or a member, as the case may be, shall be normally two years commencing from the date of his appointment or nomination, as the case may be, under sub-section (1) of section 42:

Provided that such Chairperson or a member shall, notwithstanding the expiry of the said period of two years, continue to hold office until his successor is appointed or nominated, as the case may be.

(2) An independent member of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

(3) The official members of the Board shall hold office till they are replaced by respective such other official members.

(4) Notwithstanding anything contained in sub-rules (1), (2), and (3), the members of the Board shall hold office during the pleasure of the Central Government.

40. Travelling allowance.—The Chairman and every member of the Board, shall be entitled to draw travelling and halting allowance for any journey performed by him in connection with his duties at the rates and subject to the conditions applicable to a Group A officer of the Central Government.

41. Officers and Staff.— The Central Government may provide a Secretary not below the rank of Joint Secretary to the Government of India, other officers and staff to the Board, as it may think necessary for the functioning of the Board.

42. Eligibility for re-nomination of the members of the Board.— An outgoing member shall be eligible for re-nomination for the membership of the Board for not more than total two terms.

43. Resignation of the Chairperson and other members of the Board.—(1) A member of the Board, other than the Chairperson, may, by giving notice in writing to the Chairperson, resign his membership and the Chairperson may resign by a letter addressed to the Central Government.

(2) A resignation shall take effect from the date of communication of its acceptance or on the expiry of 30 days from the date of resignation, whichever is earlier.

(3) When a vacancy occurs or is likely to occur in the membership of the Board, the Chairperson shall submit a report to the Central Government immediately and the Central Government shall, then, take steps to fill the vacancy in accordance with the provisions of the Code.

44. Cessation of membership.— If a member of the Board, fails to attend three consecutive meetings, without prior intimation to the Chairperson, he shall, cease to be a member thereof.

45. Disqualification.— (1) A person shall be disqualified for being nominated as, and for being a member of the Board—

- (i) if he is declared to be of unsound mind by a competent court; or
- (ii) if he is an un-discharged insolvent; or
- (iii) if before or after the commencement of the Code, he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether a disqualification has been incurred under sub-rule (1), the decision of the Central Government thereon shall be final.

CHAPTER VII

PAYMENT OF DUES, CLAIMS, etc.

46. Payment under clause (a) of sub-section (1) of section 44.— Where any amount payable to an employee under the Code is due after his death or on account of his whereabouts not being known, and the amount could not be paid to the nominee of the employee until the expiry of three months from the date the amount had become payable, then, such amount shall be deposited by the employer with the Deputy Chief Labour Commissioner (Central) having jurisdiction, who shall disburse the amount to the person nominated by the employee after ascertaining his identity within two months of the date on which the amount was so deposited with him.

47. Deposit of the undisbursed dues under clause (b) of sub-section (1) of section 44.—(1) Where any amount payable to an employee under this Code remains undisbursed because either no nomination has been made by such employee or for any other reason, such amounts could not be paid to the nominee of employee until the expiry of six months from the date the amount had become payable, all such amounts shall be deposited by the employer with the Deputy Chief Labour Commissioner (Central) having jurisdiction before the expiry of the fifteenth day after the last day of the said period of six months.

(2) The amount referred to in sub-rule (1) shall be deposited by the employer with the Deputy Chief Labour Commissioner (Central) having jurisdiction through bank transfer or through a crossed demand draft obtained from any scheduled bank in India drawn in favour of such Deputy Chief Labour Commissioner (Central).

48. Manner of dealing with the undisbursed dues under clause (b) of sub-section (1) of section 44.—(1) The amount referred to in sub rule (1) of rule 47 (hereinafter in this rule referred to as the amount) deposited with the Deputy Chief Labour Commissioner (Central) having jurisdiction shall remain with him and be invested in the Central or State Government Securities or deposited as a fixed deposit in a scheduled bank.

(2) The Deputy Chief Labour Commissioner (Central) having jurisdiction will exhibit, as soon as may be possible, a notice containing such particulars regarding the amount as the Deputy Chief Labour Commissioner (Central) considers sufficient for information at least for fifteen days on the notice board and also publish such notice in any

two newspapers being circulating in the language commonly understood in the area in which undisbursed wages were earned.

(3) Subject to the provision of sub-rule (4), the Deputy Chief Labour Commissioner (Central) having jurisdiction shall release the amount to the nominee or to that person who has claimed such amount, as the case may be, in whose favour such Deputy Labour Commissioner (Central) has decided, after giving the opportunity of being heard, the amount to be paid.

(4) If the undisbursed amount remains unclaimed for a period of seven years, the same shall be dealt within the manner as directed by the Central Government from time to time in this behalf.

CHAPTER VIII

FORMS, REGISTERS AND WAGE SLIP

49. The form of a single application. – A single application, may be filed under sub-section (5) of section 45 in Form-II along with documents specified in such Form.

50. Appeal.– Any person aggrieved by an order passed by the authority under sub-section (2) of section 45 may prefer an appeal under sub-section (1) of section 49 in Form-III, along with documents mentioned by the appellant in such Form, to the appellate authority having jurisdiction.

51. Form of register, etc.–(1) all fines and all realizations thereof referred to in sub-section (8) of section 19 shall be recorded in a register to be kept by the employer in form – i appended to these rules, electronically or otherwise and the authority referred to in said sub-section (8) shall be the Deputy Chief Labour Commissioner (Central) having jurisdiction.

(2) All deductions and all realizations referred to in sub-section (3) of section 21 shall be recorded in a register to be kept by the employer in Form- I appended to these rules, electronically or otherwise.

(3) Every employer of an establishment to which the Code applies shall maintain registers under sub-section (1) of section 50 in Form I and Form IV, electronically or otherwise.

52. Wage slip.–Every employer shall issue wage slips, electronically or otherwise to the employees in Form V under sub-section (3) of section 50 on or before payment of wages.

53. Manner of holding enquiry under sub-section (1) of section 53.–(1) When a complaint is filed before the officer appointed under sub-section (1) of section 53 (hereinafter in this rule referred to as the officer) in respect of the offences referred to in said sub-section either by an officer authorized for such purpose by the Central Government or by an employee aggrieved or a registered trade union registered under the Trade Unions Act, 1926 or an Inspector-cum-Facilitator, the officer, after considering such evidences as produced before him by the complainant, is of the opinion that an offence has been committed, shall issue summons to the offender on the address specified in the complaint fixing a date for his appearance .

(2) If the offender to whom the summons has been issued under sub rule (1) appears or is produced before the officer, he shall explain the offence complained against him and if the offender pleads guilty, the officer shall impose penalty on him in accordance with the provisions of the Code and when the offender does not plead guilty, the officer shall take evidence of the witnesses produced by the complainant on oath and provide opportunity of cross examination of the witnesses so produced . The officer shall record the statement of the witnesses on oath and in cross examination in writing and take the documentary evidence on record.

(3) The officer shall, after the complainant's evidence is complete, provide opportunity of defence to the accused person and the witnesses produced by the accused shall be cross examined after their statements on oath by the complainant and documentary evidence in defence shall be taken on record by the officer.

(4) The officer shall after hearing the parties and considering the evidences both oral and documentary decide the complaint in accordance with the provisions of the Code.

54. The manner of imposing fine under sub-section (1) of section 56.–(1) An accused person desirous of making composition of offence under sub-section (1) of section 56 may make an application in Form VI electronically or otherwise to the Gazetted Officer notified under said sub-section (1).

(2) The Gazetted Officer referred to in sub-rule (1), shall, on receipt of such application, satisfy himself as to whether the offence is compoundable or not under the Code and if the offence is compoundable and the accused person agrees for the composition, compromise the offence for a sum of fifty per cent of the maximum fine provided for such offence under the Code, to be paid by the accused within the time specified in the order of composition issued by such officer.

(3) Where the offence has been compromised under sub-rule (2) after the institution of the prosecution, then, the officer shall send a copy of such order made by him for intimation to the officer referred to in sub-section (1) of section 53 for needful action under sub-section (6) of section 56.

CHAPTER IX MISCELLANEOUS

55. Timely Payment of Wages.-Where the employees are employed in an establishment through contractor, then, the company or firm or association or any other person who is the proprietor of the establishment shall pay to the contractor the amount payable to him or it, as the case may be, before the date of payment of wages so that payment of wages to the employees shall be made positively in accordance with the provisions of Section 17.

Explanation.-For the purpose of this rule, the expression "firm" shall have the meaning as assigned to it in the Indian Partnership Act, 1932 (9 of 1932).

56. Technical Committee for working Journalist.-The Central Government may, for the purpose of fixing minimum wages under the code for the working journalist as defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955), appoint a technical advisory committee under clause (a) of sub-section (1) of section 8 to recommend the Central Government in respect of such fixation.

57. Responsibility for payment of minimum bonus.- Where in an establishment, the employees are employed through contractor and the contractor fails to pay minimum bonus to them under section 26, then, the company or firm or association or other person as referred to in the proviso to section 43 shall, on the written information of such failure, given by the employees or any registered trade union or unions of which the employees are members and on confirming such failure, pay such minimum bonus to the employees.

58. Inspection scheme.- (1) For the purposes of the Code and these rules, there shall be formulated an inspection scheme by the Chief Labour Commissioner (Central) with the approval of the Central Government.

(2) In the inspection scheme referred to in sub-rule (1), apart from other structural facts, a number shall be specified in the scheme for each Inspector-cum-Facilitator and establishment.

[F. No. S-32017/01/2019-WC]

VIBHA BHALLA, Jt. Secy.

FORM-I

[See rule-19 and rule-51(1), (2) and (3)]

Register of Wages, Overtime, Fine, Deduction for damage and Loss

Name of the Establishment:

Name of the Employer:

Name of the Owner:

PAN/TAN of the Employer:

Labour Identification Number (LIN):

Sr. No. in Employee Register	Name of the employee	Designation / Department	Duration of Payment of Wages (Monthly/Fortnightly /Weekly/Daily/Piece rated)	Wage Period From-To	Total no. of days worked during the period	Total overtime (hours worked or production in case of piece workers)	Rates of wages		
							Basic	DA	Allowances
1	2	3	4	5	6	7	8	9	10

Overtime earning	Nature of acts and omissions for which fine imposed with date	Amount of fine imposed	Damage or loss caused to the employer by neglect or default of the employee	Amount of deduction from wages	Total amount of wages paid	Date of Payment	Attendance	
							Date	Signature
11	12	13	14	15	16	17	18	19

FORM-II

[See rule 49]

[SINGLE APPLICATION UNDER SUB-SECTION (5) OF SECTION 45]

BEFORE THE AUTHORITY APPOINTED UNDER SUB SECTION (1) OF SECTION 45 OF THE CODE ON WAGES, 2019 (29 OF 2019)

FOR..... AREA.....

Application No.....of 20.....

Between ABC and (State the number).....other..... Applicant

(Through employees concerned or registered trade union or Inspector- cum- Facilitator

Address.....

And

XYZ.....

Address.....

The application states as follows:

(1) The applicant(s) whose name(s) appear in the attached schedule was/were/has/have been employed fromto..... as.....(category) in.....(establishment) Shri/M/s.....engaged in(nature of work) which is/are covered by the Code on Wages, 2019.

(2) The opponent(s) is/are the employer(s) within the meaning of section 2(1) of the Code on Wages, 2019.

(3) (a)The applicant(s) has/ have been paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Code by Rs.... Per day for the period(s) from.....to.....

(b) The applicant(s) has/ have not been paid wages at Rs..... Per day for the weekly days of rest from.....to....

(c) The applicant(s) has/ have not been paid wages at overtime rate(s) for the period from.....to....

(d) The applicant(s) has/have not been paid wages for period fromto.....

(e) Deductions have been made which are in contravention of the Code, from the wage(s) of the applicant(s) as per details specified in the annexure appended with this application.

(f) The applicant(s) has/have not been paid minimum bonus for the accounting year

(4) The applicant(s) estimate(s) the value of relief sought byhim/ them on each amount as under:

(a) Rs.....

(b) Rs.....

(c) Rs.....

Total Rs.....

(5) The applicant(s), therefore, pray(s) that a direction may be issued under section 45(2) of the Code on Wages, 2019 for;

(a) payment of the difference between the wages payable under the Code and the wages actually paid,

(b) payment of remuneration for the days of rest

(c) payment of wages at the overtime rates,

(d) compensation amounting to Rs.....

(6) The applicant(s) do hereby solemnly declare(s) that the facts stated in this application are true to the best of his/their knowledge, belief and information.

Dated.....

Signature or thumb-impression of the employed person(s), or official of a registered trade union duly authorized or Inspector- cum- Facilitator.

Note: The applicant(s), if required, may append annexures containing details, with this application.

FORM III

(See rule 50)

Appeal under Section 49(1) of the Code on Wages, 2019

Before The Appellate Authority under the Code on Wages, 2019

A.B.C

Address.....APPELLANT

Vs.

C.D.E.

Address..... RESPONDENT

DETAILS OF APPEAL:

1. Particulars of the order against which the appeal is made :

Number and date :

The authority who has passed the impugned order:

Amount awarded:

Compensation awarded , if any :

2. Facts of the case :

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact).

3. Grounds for appeal :

4. Matters not previously filed or pending with any other Court or any Appellate Authority:

The appellant further declares that he had not previously filed any appeal, writ petition or suit regarding the matter in respect of which this appeal has been made, before any Court or any other Authority or Appellate Authority nor any such appeal, writ petition or suit is pending before any of them.

5. Reliefs sought :

In view of the facts mentioned above the appellant prays for the following relief(s) :—

[Specify below the relief(s) sought]

6. List of enclosures:

1.

2.

3.

4.

.....

Date :

Place :

Signature of the appellant.

For office use

Date of filing

or

Date of receipt by post

Registration No.

Authorized Signatory

FORM IV

[See rule 51(3)]

EMPLOYEE REGISTER

Name of the Establishment :

Name of the Employer:

Name of the Owner :

PAN/TAN of the Employer:

Labour Identification Number (LIN):

Sl. No.	Employee Code	Name	Surname	Gender	Father's / Spouse Name	Date of Birth	Nationality	Education Level	Date of Joining	Designation	Category (HS/S/SS/US)*	Type of Employment
1	2	3	4	5	6	7	8	9	10	11	12	13

Mobile No.	UAN	PAN	ESIC IP No.	AADHAAR	Bank A/c Number	Bank	Branch (IFSC)	Present Address	Permanent Address
14	15	16	17	18	19	20	21	22	23

Service Book No.	Date of Exit	Reason for Exit	Mark of Identification	Photo	Specimen Signature/Thumb Impression	Remarks
24	25	26	27	28	29	30

*(Highly Skilled/Skilled/Semi skilled/Unskilled)

1. Name of applicant :
2. Father's / Spouse name :
3. Address of the applicant :
4. Particulars of the offence:
.....
.....
5. Section of the Code under which the offence is committed : :.....
6. Maximum fine provided for the offence under the Code :.....
7. Whether prosecution against the applicant is pending or not
8. Whether the offence is first offence or the applicant had committed any other offence prior to the offence.
If yes, then, full details of the prior offence.
.....
.....
.....

9. Any other information which the applicant desires to provide

.....

Dated:

Applicant

(Name and signature)

Schedule A**[See rules 21, 22, 26 and 27]**

In this Schedule, the total amount of bonus equal to 8.33 per cent of the annual salary or wage payable to all the employees is assumed to be Rs. 1,04,167. Accordingly, the maximum bonus to which all the employees are entitled to be paid (twenty per cent of the annual salary or wage of all the employees) would be Rs. 2,50,000.

Year	Amount equal to sixty per cent. or sixty-seven per cent., as the case may be, of available surplus allocable as bonus	Amount payable as bonus	Set on or Set off of the year carried forward	Total set on or set off carried forward	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	Of (year)
1.	1,04,167	1,04,167**	Nil	Nil	
2.	6,35,000	2,50,000*	Set on 2,50,000*	Set on 2,50,000*	(2)
3.	2,20,000	2,50,000* (inclusive of 30,000 from year-2)	Nil	Set on 2,20,000	(2)
4.	3,75,000	2,50,000*	Set on 1,25,000	Set on 2,20,000 1,25,000	(2) (4)
5.	1,40,000	2,50,000* (inclusive of 1,10,000 from year-2)	Nil	Set on 1,10,000 1,25,000	(2) (4)
6.	3,10,000	2,50,000*	Set on 60,000	Set on Nil + 1,25,000 60,000	(2) (4) (6)
7.	1,00,000	2,50,000* (inclusive of 1,25,000 from year-4 and 25,000 from year-6)	Nil	Set on 35,000	(6)
8.	Nil	1,04,167**(inclusive of 35,000 from year-6)	Set off	Set off	

	(due to loss)		69,167	69,167	(8)
9.	10,000	1,04,167**	Set off 94,167	Set off 69,167 94,167	(8) (9)
10.	2,15,000	1,04,167** (after setting off 69,167 from year-8 and 41,666 from year-9)	Nil	Set off 52,501	(9)

Notes:-

* Maximum.

+ The balance of Rs. 1,10,000 set on from year-2 lapses.

** Minimum

Schedule B
COMPUTATION OF GROSS PROFITS

[See rule 23]

Accounting year ending

Item No.	Particulars	Amount of sub-Items	Amount of main Items	Remarks
		Rs.	Rs.	
*1.	Net Profit as shown in the Profit and Loss Account after making usual and necessary provisions.			
2.	Add back provision for: (a) Bonus to employees (b) Depreciation (c) Development Rebate Reserve (d) Any other reserves Total of Item No.2.....	Rs.....		See foot-note (1) See foot-note (1)
3.	Add back also: (a) Bonus paid to employees in respect of previous accounting years. (b) The amount debited in respect of gratuity paid or payable to employees in excess of the aggregate of – (i) the amount, if any, paid to, or provided for payment to, an approved gratuity fund; and (ii) the amount actually paid to employees on their retirement or on termination of their employment for any reason. (c) Donations in excess of the			See foot-note (1) See foot-note (1)

	<p>amount admissible for income-tax .</p> <p>(d) Capital expenditure (other than capital expenditure on scientific research which is allowed as a deduction under any law for the time being in force relating to direct taxes) and capital losses (other than losses on sale of capital assets on which depreciation has been allowed for income tax).</p> <p>(e) Any amount certified by the Reserve Bank of India in terms of sub-section (2) of section 34A of the Banking Regulation Act, 1949 (10 of 1949).</p> <p>(f) Losses of, or expenditure relating to, any business situated outside India.</p> <p>Total of Item No.3.....</p>	Rs.....		
4.	<p>Add also income, profits or gains (if any) credited directly to published or disclosed reserves, other than-</p> <p>(i) capital receipts and capital profits (including profits on the sale of capital assets on such depreciation has not been allowed for income-tax);</p> <p>(ii) profits of, and receipts relating to , any business situated outside India;</p> <p>(iii) income of foreign banking companies from investment outside India.</p> <p>Net total of Item No.4.....</p>	Rs.....		
5.	Total of Item Nos.1, 2, 3 and 4...	Rs.....		
6.	<p>Deduct :</p> <p>(a) Capital receipts and capital profits (other than profits on the sale of assets on which depreciation has been allowed for income-tax).</p> <p>(b) Profits of, and receipts relating to any business situated outside India.</p> <p>(c) Income of foreign banking companies from investments outside India .</p> <p>(d) Expenditure or losses (if any) debited directly to</p>			<p>See foot-note (2)</p> <p>See foot-note (2)</p> <p>See foot-note (2)</p>

	<p>published or disclosed reserves, other than –</p> <p>(i) capital expenditure and capital losses (other than losses on sale of capital assets on which depreciation has not been allowed for income-tax);</p> <p>(ii) losses of any business situated outside India.</p> <p>(e) In the case of foreign banking companies proportionate administrative (overhead) expenses of head-office allocable to Indian business.</p> <p>(f) Refund of any excess direct tax paid for previous accounting years and excess provision if any of previous accounting years, relating to bonus, depreciation or development rebate, if written back.</p> <p>(g) Cash subsidy, if any, given by the government or by anybody corporate established by any law for the time being in force or by any other agency through budgetary grants, whether given directly or through any agency for specified purposes and the proceeds of which are reserved for such purposes .</p> <p>Total of Item No. 6</p>	Rs.....		<p>See foot-note (3)</p> <p>See foot-note (2)</p> <p>See foot-note (2)</p>
7.	Gross profits for purposes of bonus (Item No. 5 minus Item No. 6)		Rs.....	

Explanation: In sub-item (b) of Item 3, "approved gratuity fund" has the same meaning assigned to it in clause (5) of section 2 of the Income Tax Act, 1961.

* Where the profit subject to taxation is shown in the Profit and Loss account and the provision made for taxes on income is shown, the actual provision for taxes on income shall be deducted from the profit.

Foot-notes:-

(1) If, and to the extent, charged to Profit and Loss Account.

(2) If, and to the extent, credited to Profit and Loss Account.

(3) In the proportion of Indian Gross Profit (Item No. 7) to Total World Gross Profit (as per consolidated profit and loss account adjusted as in Item No. 2 above only)]

COMPUTATION OF GROSS PROFITS

Accounting year ending.....

[illegible]

	<p>tax.).</p> <p>(e) Losses of , or expenditure relating to, any business situated outside India.</p> <p>Total of Item No.3.....</p>	Rs.....		
4.	<p>Add also income, profits or gains (if any) credited directly to reserves, other than-</p> <p>(i) capital receipts and capital profits (including profits on the sale of capital assets on which depreciation has not been allowed for income-tax or agricultural income-tax);</p> <p>(ii) profits of, and receipts relating to, any business situated outside India;</p> <p>(iii) income of foreign concerns from investments outside India.</p> <p>Net total of Item No.4.....</p>	Rs.....		
5.	Total of Item Nos. 1, 2, 3 and 4...	Rs.....		
6.	<p>Deduct :</p> <p>(a) Capital receipts and capital profits (other than profits on the sale of assets on which depreciation has been allowed for income-tax or agricultural income-tax).</p> <p>(b) Profits of, and receipts relating to, any business situated outside India.</p> <p>(c) Income of foreign concerns from investment outside India.</p> <p>(d) Expenditure or losses (if any) debited directly to reserves, other than-</p> <p>(i) capital expenditure and capital losses (other than losses on sale of capital assets on which depreciation has not been allowed for income-tax ; or agricultural income-tax;</p> <p>(ii) losses of any business situated outside India.</p> <p>(e) In the case of foreign concerns proportionate administrative (overhead) expenses of head office allocable to Indian business.</p> <p>(f) Refund of any direct tax paid for previous accounting years and excess provision, if any, of previous accounting years relating to bonus, depreciation, taxation or development rebate or development allowance, if written back.</p>			<p>See foot-note (2)</p> <p>See foot-note (2)</p> <p>See foot-note (2)</p> <p>See foot-note (3)</p> <p>See-foot-note (2)</p>

	(g) Cash subsidy, if any, given by the government or by any body corporate established by any law for the time being in force or by any other agency through budgetary grants, whether given directly or through any agency for specified purposes and the proceeds of which are reserved for such purposes. Total of Item No.6	Rs.....		
7.	Gross Profits for purposes of bonus (Item No.5 minus Item No.6)	Rs.....		

Explanation: In sub-item (aa) of Item 3, "approved gratuity fund" has the same meaning assigned to it in clause (5) of section 2 of the Income Tax Act, 1961.

Foot-notes:-

- (1) If, and to the extent, charged to Profit and Loss Account.
- (2) If, and to the extent, credited to Profit and Loss Account.
- (3) In the proportion of Indian Gross Profit (Item No. 7) to Total World Gross Profit (as per consolidated Profit and Loss Account, adjusted as in Item No. 2 above only).

Schedule D

[See rule 25]

Item No.	Category of employer	Further sums to be deducted
(1)	(2)	(3)
1.	Company, other than a banking company.	<p>(i) The dividends payable on its preference share capital for the accounting year calculated at the actual rate at which such dividends are payable;</p> <p>(ii) 8.5 percent of its paid up equity share capital as at the commencement of the accounting year;</p> <p>(iii) 6 percent of its reserves shown in its balance sheet as at the commencement of the accounting year, including any profits carried forward from the previous accounting year :</p> <p>Provided that where the employer is a foreign company within the meaning of section 2 (42) of the Companies Act ,2013 (18 of 2013) , the total amount to be deducted under this item shall be 8.5 percent on the aggregate of the value of the net fixed assets and the current assets of the company in India after deducting the amount of its current liabilities (other than any amount shown as payable by the company to its Head Office whether towards any advance made by the Head Office or otherwise or any interest paid by the company to its Head Office) in India.</p>
2.	Banking company	<p>(i) The dividends payable on its preference share capital for the accounting year calculated at the rate at which such dividends are payable ;</p> <p>(ii) 7.5 per cent of its paid up equity share capital as at the commencement of the accounting year ;</p> <p>(iii) 5 per cent of its reserves shown in its balance sheet as at the commencement of the accounting year, including any profits carried forward from the previous accounting year;</p> <p>(iv) any sum which, in respect of the accounting year, is transferred by it-</p> <p>(a) to a reserve fund under sub-section (1) of section 17 of the Banking</p>

		<p>Regulation Act, 1949 (10 of 1949) ; or</p> <p>(b) to any reserves in India in pursuance of any direction or advice given by the Reserve Bank of India,</p> <p>whichever is higher:</p> <p>Provided that where the banking company is a foreign company within the meaning of section 2 (42) of the Companies Act , 2013 (18 of 2013) , the amount to be deducted under this item shall be the aggregate of-</p> <p>(i) the dividends payable to its preference shareholders for the accounting year at the rate at which such dividends are payable on such amount as bears the same proportion to its total preference share capital as its total working funds in India bear to its total world working funds;</p> <p>(ii) 7.5 per cent of such amount as bears the same proportion to its total paid up equity share capital as its total working funds in India bear to its total working funds.</p> <p>(iii) 5 per cent of such amount as bears the same proportion to its total disclosed reserves as its total working funds in India bear to its total world working funds;</p> <p>(iv) any sum which, in respect of the accounting year, is deposited by it with the Reserve Bank of India under sub-clause (ii) of clause (b) of sub-section (2) of section 11 of the Banking Regulation Act, 1949 (10 of 1949) , not exceeding the amount required under the aforesaid provision to be so deposited.]</p>
3.	Corporation	<p>(i) 8.5 per cent of its paid up capital as at the commencement of the accounting year;</p> <p>(ii) 6 per cent of its reserves, if any, shown in its balance sheet as at the commencement of the accounting year, including any profits carried forward from the previous accounting year.</p>
4.	Co-operative society	<p>(i) 8.5 per cent of the capital invested by such society in its establishment as evidenced from its books of accounts at the commencement of the accounting year;</p> <p>(ii) such sums as has been carried forward in respect of the accounting year to a reserve fund under any law relating to co-operative societies for the time being in force.</p>
5.	Any other employer not falling under any of the aforesaid categories	<p>8.5 per cent of the capital invested by him in his establishment as evidenced from his books of accounts at the commencement of the accounting year:</p> <p>Provided that where such employer is a person to whom Chapter XXII-A of the income Tax Act applies , the annuity deposit payable by him under the provisions of that Chapter during the accounting year shall also be deducted:</p> <p>Provided further that where such employer is a firm, an amount equal to 25 per cent of the gross profits derived by it from the establishment in respect of the accounting year after deducting depreciation in accordance with the provisions of clause (a) of section 6 by way of remuneration to all the partners taking part in the conduct of business of the establishment shall also be deducted, but where the partnership agreement, whether oral or written, provides for the payment of remuneration to any such partner, and –</p> <p>(i) the total remuneration payable to all such partners is less than the said 25 per cent the amount payable, subject to a maximum of forty-eight thousand rupees to each such partner; or</p> <p>(ii) the total remuneration payable to all such partners is higher than the said 25 per cent , such percentage, or a sum calculated at the rate of forty – eight thousand rupees to each such partner, whichever is less , shall be deducted under this proviso:</p> <p>Provided also that where such employer is an individual or a Hindu</p>

		<p>Undivided Family -</p> <p>(i) an amount equal to 25 per cent of the gross profits derived by such employer from the establishment in respect of the accounting year after deducting depreciation in accordance with the provisions of clause (a) of section 34; or</p> <p>(ii) forty-eight thousand rupees,</p> <p>whichever is less by way of remuneration to such employer, shall also be deducted.</p>
--	--	--

Explanation : The expression "reserves" occurring in column (3) against Item Nos. 1(iii), 2(iii) and 3(ii) shall not include any amount set apart for the purpose of-

- (i) payment of any direct tax which, according to the balance-sheet, would be payable;
- (ii) meeting any depreciation admissible in accordance with the provisions of clause (a) of section 34;
- (iii) payment of dividends which have been declared, but shall include,-
 - (a) any amount, over and above the amount referred to in clause-(i) of this Explanation, set apart as specific reserve for the purpose of payment of any direct tax; and
 - (b) any amount set apart for meeting any depreciation in excess of the amount admissible in accordance with the provisions of clause (a) of section 34.

Schedule E
(see rule 4 (3))

S.No.	UNSKILLED
1	Beldar
2	Calf boy
3	Cattleman
4	Cleaner (Motor shed, Tractor, Cattle, Yard, M.T)
5	Collecting loose fodder
6	Dairy coolie
7	Mazdoor (Arportculturist Compost, Dairy's Haystaking, Irrigation, Manure, Stacking, Milk-room, Ration room Store, Anti-Malaria, M.R.)
8	Driver (Mule, Bullock, Camel, Donkey)
9	Dresser
10	Driver (Bullocks Mule)
11	Grazler
12	Dairyman
13	(Store-Mazdoor)
14	Carrier (Stone),
15	Breaker (using manual appliances)
16	Helper
17	Messenger (Office)
18	Mali
19	Syce

20	Tying and Carrying loose hay
21	Sweeper,
22	Weighing and Carrying bales,
23	Weighman (Bales, pally),
24	Waterman,
25	Stable man,
26	Trolly man
27	Valveman,
28	Watchman,
29	White Washer,
30	Wooderman,
31	Wooder Woman,
32	Borryman,
33	Coalman,
34	Condenser,
35	Attendant,
36	Grass Cutter,
37	MuchhersJamadars,
38	Condenser Attendant,
39	Shunters
40	Turner,
41	Bajri Spreader,
42	Beater Women,
43	Bell-Woman,
44	Chain Man,
45	Boat Man,
46	Bucket Man,
47	Labourer (Boiler, Cattle Yard, Cultivation, General Loading and Unloading, Bunding, Carting-Fertilizers, Harvesting, Miscellaneous Seeding, Sowing, Thatching, Transplanting, Weeding)
48	Cleaner (Crane, Truck, Cinder for ash Pit),
49	Cartman,
50	Caretaker (Bridge),
51	Carrier (Water),
52	Chowkidar,
53	Concrete (Hand Mixer),
54	Daffadar,
55	Driver (Bullock, Camel, Donkey, Mule),
56	Flag Man,
57	Flagman (Blast Train),
58	Khalasi not attending to machines

59	Gangmen,
60	Gatingman (Permanent Way),
61	Handle Man, Jumper Man,
62	Kamin (Female Work),
63	Khalas,
64	Bridge,
65	Electrical,
66	Marine,
67	Moplah,
68	Store,
69	Steam Road,
70	Share,
71	Roller Survey,
72	labourer (Garden),
73	Mazdoor,
74	Hole Cutter,
75	Lorry Trainees,
76	Petrolman,
77	Searcher,
78	Signal man,
79	Strikers,
80	Vaks Controller,
81	Cleaner
82	Dresser / Dressing Mazdoor
83	Loader
84	Mazdoor (Male/Female)
85	Messenger (Male / Female)
86	Trammer
87	Caretaker (except in Copper, Chromite and Graphite mines where it is semiskilled)
88	Office Peon /Peon (except in Bauxite Mines)
89	Sweeper (Male / Female)
90	Carrier
91	Number Taker
92	TrollyTriper
93	Water Carrier
94	Earth Cutter
95	Survey Khalasi
96	Gate Man,
97	Concrete (Hand Mixer)
98	Dismantling stocks

99	Lampman
100	Beldar/Beldar (Canteen)
101	Coolie
102	Peon
103	Cook-helper
104	Office Boy
105	Quarry Worker
106	Jelly Maker
107	Over burden Remover
108	Waste removing mazdoor
109	Unloader
110	Excavating Labour
111	Digger
112	Butcher
113	Attender
114	Lorry Helper
115	Surface loader
116	Wood Cutter
117	Surface Mukar
118	Under Ground Mukar
119	Striker (Moplah gang),
120	Tall Boy,
121	Tile
122	Person employed in loading and unloading
123	Person employed in sweeping and cleaning and other cateogires by whatever name called which are of unskilled nature

S.No	SEMI SKILLED
1	Assistant (Chowdhary)
2	Attendant (Bull-calving lines, Chowkidar, Chaff cutter, Hostel, Dry Stock, Grain crusher, Pump, Siekline,
3	Stable, Yard Stock)
4	Assistant-Plumber
5	Attendant
6	Bhisti
7	Brander
8	Bullman
9	Butterman
10	Coachman
11	Cobbler

12	Cultivator
13	Daftry
14	Deliveryman
15	Dhobi
16	Dresser
17	Fireman
18	Gowala
19	Hammerman
20	Helper (Blacksmith)
21	Helper
22	Jamadar (stand)
23	Jamadar
24	Khalasi
25	Mali Senior
26	Mate/Mistry
27	Mazdoor (literate)
28	Nalband
29	Oilman
30	Ploughman
31	Vtackers
32	Supervisor
33	Thatcher
34	Valveman
35	Valveman (Senior)
36	Wireman fixing tin cables
37	Cook
38	Dandee
39	Frash
40	Hacksaw man
41	Helper (locco-Crane/Truck)
42	Manjhee (Boatman)
43	Belchawala
44	Muccadam (without competency certificate under Metalliferous Bulldozer Driver Mines Regulations, 1961)
45	Bhisti (with Mushk)
46	Boatman (head)
47	Breaker,
48	Breaker (Stone, Rock, Rock Stone, Stone Metal)
49	Canweaver
50	Chainman(Head)

51	Charpoy-Stringer
52	Checker
53	Cracker
54	Dollyman
55	Assistant
56	Driller
57	Driver (Skin)
58	Excavator
59	Ferroman
60	Fireman (Brick Kiln, Steam Road Roller)
61	Gate Keeper
62	Gharami
63	Classman
64	Grater
65	Greaser-cum-Fireman
66	Grinder
67	Hammerman
68	Helper (Artisan)
69	Helper (Sawyer)
70	Keyman
71	Khalasi (Head Survey, Rivertters-Moplah Gang, Supervisory)
72	Labourer (Rock-Cutting)
73	Lascar
74	Mali (Head)
75	Stockers and Boilerman
76	Thoombaman (Spade worker)
77	Tindals
78	Trollyman (Head Motor)
79	Fitter (Assistant Semi-Skilled)
80	Jamadar (Semi-skilled)
81	Mate (Stone)
82	Kasab
83	Khalasi (Structural)
84	Masalchi P.M. Mates
85	Miner
86	Untrained Mate/ Mining Mate/ Mate without Competency certificate Under Metalliferous Mines Regulations, 1961
87	Butler/Cook
88	Breaker (using mechanical appliances)
89	Crech Ayah/Ayah/Untrained Crech Attendant

90	Assistant Driller
91	Oilman/Oiler
92	Chowkidar/ Watchman
93	Helper (Mason, Carpenter, Blacksmith)
94	Tindals
95	Topas
96	Topkar (Big Stone Breaker)
97	TrolleyJamadar
98	Winchman
99	Attendance-keeper
100	Assistant Wireman
101	Mate
102	Mate (Blacksmith, Road, Carpenter)
103	Engine Driver and/or Feeder
104	Fitter
105	Gang
106	Mazdoor Mason
107	Permanent Way
108	Pump-Driver,Turner)
109	Mazdoor (Heavy-weight)
110	Charge-man
111	Mistri (Head
112	Muccadam
113	Night-guard
114	Runner (Post dak)
115	Oilman
116	Quarry man
117	Quarry Operator
118	Stoneman
119	Stocker
120	Thatcher
121	Pump Attendant
122	Bearer
123	Breakman
124	Crowlder Man
125	Laboratory Boy
126	PointsmanSencummy
127	Stone mines and other cateogires by whatever name called which are of semi-skilled nature

S.No	SKILLED
1	Artificer (Class-II, III, IV)
2	Blacksmith
3	Blacksmith (Class II)
4	Boilerman
5	Carpenter
6	Carpenter (Class II) Carpenter-cum- Blacksmith
7	Chowdhary
8	Driver
9	Driver (Engine Tractor, M.T.Motor)
10	Electrician
11	Fitter
12	Mason
13	Mason Class II
14	Machine hand (Class II, III, IV)
15	Machineman
16	Mate Gr. I (Senior)
17	Mechanic
18	Milk Writer
19	Mistry (Head)
20	Moulder
21	Muster Writer
22	Operator (Tube-well)
23	Painter
24	Plumber
25	Welder
26	Upholsterer
27	Wireman,
28	Chipper
29	Chipper-Cum-Grinder
30	Cook (Head)
31	Driller
32	Driller (Well Boring)
33	Driver(Loco/Truck)
34	Electrician (Assistant)
35	Mechanic (Tube-Well)
36	Mistry(Stell, Tube-Well, Telephone)
37	Meter Reader
38	Meterorogical Observer Navghani

39	Operaor (Batching Plant, Cinema Project, Clamp Shelf, Compressor, Grane, Dorrick, Diesel Engine, Doser, Dragling Drill Dumber, Excavator, Fork Lift Generator, Grader, Jack Hammer and Payment breaker Loader, Pump, Pile Driving, Scrapper, Screening Plant, Shoval, Tractor, Vibrator, Weight Batcher, Railway Guards, Repairer (Battery)
40	Sharper/Slotter
41	Sprayer (Ashalt) Station Master
42	Surveyor (Silt)
43	Trades-Man
44	Train Examiner
45	Turner/Miller
46	TyreVulcaniser
47	Sawyer
48	Sawyer (Selection Grade Class II) Serang
49	Serangpile
50	Driving Pantooms with Boiler
51	Shapesman
52	Shift-incharge
53	Sprayman
54	Sprayman (Roads)
55	Stone Cutter
56	Stone Cutter (Selection Grade, Grade II, Class II)
57	Stone Chisler
58	Stone Chisler (Class II)
59	Stone Blasterer
60	Sub-Overseer (Unqualified)
61	Surveyors
62	Pump Driver
63	Pump Driver (Selection Grade), Grade II and III, Class II)
64	Pump Driver (Selection Grade, P.E., Driver,
65	Pumpman
66	Pumpman (Assistant)
67	Plumber
68	Polisher (with spray) Grade II
69	Ratan Man
70	Rivet Cutter (Assistant)
71	Rivetter
72	Rivetter (Cutter)
73	Road Inspector Grade II, Railway Plate Layer
74	Rod Bender
75	Haulage Operator
76	Dispensary Attendant

77	Work Sakar
78	Mica Cutter Grade -I
79	Dresser Grade -I Mica
80	Supervisory Fireman
81	Fireman only in Mines
82	Compressor Driver
83	Pump Man Driver 96. Grinder in Mica Mines
84	Surveyors (Assistant)
85	Tailor
86	Tailor(Upholstry)
87	Transprayer
88	Tar man
89	Line Man
90	Tiler Class II
91	Wall(Floor, Roof)
92	Tiler (Selection Grade)
93	Tin-Smith
94	Tin Smith(Selection Grade, Grade II and III, Class II) Tinker
95	Well Sinker
96	Assistant Mistry
97	Armature Winder Grade-II and III
98	Bhandari
99	Blacksmith
100	Blacksmith (Selection Grade, Grade II, III, Class II and III)
101	Boilerman
102	Boilerman Grade II and III
103	Boiler Foreman Grade II
104	Work (Assistant)
105	Brick Layer
106	Bricklayer (Selection Grade, Class II)
107	Blaster
108	Chowkidar (Head)
109	Security Guard (without arms)
110	Carpenter
111	Carpenter (Selection Grade, Grade II and III, Class I and III Assistant
112	B.I.M. Road
113	Cabinet Maker
114	Caneman
115	Celotex
116	Cutter Maker Chargeman, Class II and Class III, Carpenter Ordinary)

117	Checkder (Junior)
118	Chick Maker
119	Chickman (Junior) Concrete Mixure Mixer
120	Concrete Mixure Operator
121	Cobbler
122	Coremaker
123	Driver
124	Driver Motor Vehicle
125	Motor Vehicle Selection Grade
126	Motor Lorry
127	Motor-Lorry Grade II
128	Lorry Grade II
129	Diesel Engine
130	Diesel Engine Grade II
131	Mechanical Road Roller I.C. and Cement Mixer etc.
132	Road Roller
133	Road Roller Driver Grade II
134	Driver (Engine Static Stone Crusher, Tractor/Bull Dozer, Steam Road Roller, Water Pump, Mechanical Assistant, Road Roller, Mechanical, Steam Crane, Tractor with Bull Dozer Mechanical, Transport, Engine Static and Road Roller Boiler Attendant
135	Engine Operator (Stone Cursher Mechanical)
136	Distemprer, Electrician, Electrician (Grade II, Class II and Class III)
137	Fitter
138	Fitter (Selection Grade, Grade II and III) class II and III Assistant, Pipe class II, Pipe Line ending Bars for
139	reinforcement Cum-mechanic, Mechanic and Plumber)
140	Gharami (Head)
141	Glazier
142	Hole Drillar for Blasting
143	Joiner
144	Joiner (Cable, Cable Grade II)
145	Lineman (Grade II, III, High Tension/Low Tension)
146	Mason
147	Mason (Selection Grade, Grade II, III and Class B Mistry)
148	Stone (Stone Class II, Brick Work, Stone work)
149	Brick-layer
150	Tile Flooring
151	B.I.M Muccadam (Head)
152	Stone cutting
153	Ordinary Machanis
154	Mechanic

155	Mechanic (Class II, Air conditioning, Air conditioning Grade II
156	Diesel Grade II
157	Road Roller Grade II
158	Assistant, Radio)
159	Manson (Gharami)
160	Mistry
161	Mistry Grade II, Air conditioning Grade II, P. Way, Survey, Santras Works)
162	Mason Class A
163	Moulder
164	Moulder (Brick, Tile)
165	Painter
166	Painter (Selection Grade, Grade II and III, Class II, Assistant Lotter and Polisher, Polisher, Rough)
167	Plasterer
168	Plasterer (Mason Grade II)
169	Plumber
170	Plumber (Selection Grade, Class II, Assistant Lotter and Polisher, Rough),
171	Plasterer
172	Plasterer (Mason Grade II)
173	Plumber (Selection Grade, Class-II, Assistant Senior, Junior, Mistry Grade II)
174	Plumbing Mistry
175	Plumber-cum-Fitter
176	Polisher
177	Polisher (Floor)
178	Sirdhar Lathe Man
179	Geologist
180	Trailors
181	Turner
182	Upholsterer
183	Upholsterer (Grade II and III)
184	Painter Spray (Class II)
185	Wood Cutter
186	Wood Cutter Section Grade
187	Wood Cutter Class II
188	Work Sircar
189	Welder
190	Airwinch Haulage Operator
191	Auto-electrician
192	Painter
193	Blacksmith
194	Tailor

195	Compressor Operator
196	Blaster/Shot-firer
197	Driver
198	Head cook
199	Chargeman
200	Carpenter
201	Concrete Mixer Operator
202	Compressor Attendant
203	Air Compressor Attendant
204	Tractor Driver
205	Vehicle Driver
206	Chemist and Assistant/ Chemist
207	Sub- overseer (unqualified)
208	Driller
209	Handhole Driller
210	Drill Mechanic
211	Driver Auto
212	Electrician
213	Wireless Operator Asstt. Foreman
214	Foreman
215	Fitter
216	Ferry Driver
217	Issuer Loco
218	Super Foreman
219	Hoist Operator
220	IMCE Driver
221	Driver
222	Loco Driver
223	Loader Operator
224	Linesman
225	Mechanic/ Machinist
226	Mason
227	Mid Wife
228	Tinsmith
229	Supervisory Mechanic
230	Pump Attendant only in Gypsum, Barytes and Rock Phosphates
231	Pump Operator/Driver
232	Mining Mate with competency certificate under Metalliferous Mines\ Regulations, 1961.
233	Mistry
234	Skilled Mazdoor

235	Turner
236	Senior Mechanic
237	Pipe Fitter
238	Supervisor
239	Drafts Man
240	Wireman
241	Timber Man/Timber Mistry Elect.
242	Stone Crusher Operator
243	Crusher Operator
244	Moulder
245	Welder
246	Operator
247	Work Mistry
248	Engine Driver
249	Mining Engine Driver Grade -II
250	Engineman
251	Valveman
252	Cutter
253	Winding Engine Driver Grade - II
254	Security Guard (Unarmed) /Head Chowkidar
255	Shovel Operator
256	Limco Loader Operator
257	Surface Supervisor
258	Dozer Operator
259	Compressor Driller
260	Dumper Tractor Operator
261	Boiler Man (with Certificate)
262	Machinery Attendant
263	Air-conditions Mechanic
264	Crech Attendant only in Magnesite, Manganese and Mica Mines
265	Power Shovel Operator
266	Power and Pump House Operator
267	Miner Grade - I
268	Tractor Operator 80. Tub Repairer 81. Lathe Mistry
269	Stationery Engine Attendant 83. Generator Operator 84. Loading Foreman
270	Diesel Mechanic
271	Ferro Printer cum-chairman
272	White Washing and Colour Washing Man
273	Operator Pneumatic Tools, Operator (Fitter)
274	Boreman

275	Borer
276	Wireman (Grade II and III, Mechanic, Electrical)
277	White Washer
278	White Washer (Selection Grade, Class II)
279	Wireman
280	Welder (Class II, Bridge work)
281	Welder gas
282	Muccatam (with Competency Certificate under Metalliferous Mines Regulations, 1961).
283	Security Guard (without arms) and other categories by whatever name called which are of skilled nature
284	Assistant (Farm)
285	Assistant (Cashier)
286	Librarian
287	Telex or Telephone Operator
288	Hindi Translator
289	Telex or Telephone Operator
290	Hindi Translator
291	Accounts Clerk
292	Clerks
293	Computer/Data Entry Operator
294	Telephone Operator, Typist
295	Store Attendant
296	M. C. Clerk
297	Munshi (Matriculate, Non-matriculate)
298	Store Clerk (Matriculate Non-matriculate)
299	Store Keeper
300	Store Keeper Grade I, Grade II, (Matriculate)
301	Time Keeper
302	Time Keeper (Matriculate Non-Matriculate)
303	Book Keeper
304	Work Munshi
305	Work Munshi (Subordinate)
306	Magazine Clerk
307	Teller Clerk
308	Store clerk
309	Tally Clerk
310	Store Issuer
311	Tool Keeper
312	Computer/Data Entry Operator
313	Record Keeper

314	Tracer
315	File Clerk
316	Register Keeper
317	Time Keeper
318	Clerk
319	Munshi
320	Typist and other cateogires by whatever name called which are of clerical nature

S.NO	HIGHLY SKILLED
1	Artificier Class I
2	Blacksmith Class I
3	Carpenter Class I
4	Machine
5	Hand Class I
6	Mason Class I
7	Mechanic (Senior)
8	Painter (Grade I, Class I, Spray) Plasterer (Mason) Class I
9	Plumber (Head, class I)
10	Mistry Grade I
11	Polisher (with spray Grade I)
12	Road Inspector Grade I
13	Sawyer Class I
14	Stone Cutter Class I
15	Stone Cutter Grade I
16	Stone Chisler Class I
17	Stone Mason Class I
18	Sub-Overseer (Qualified)
19	Tiler Class I
20	Tinsmith Grade I and Class I
21	Upholsterer Grade I
22	Varnisher Class I
23	Welder-Cum-Fitter and Air Conditioning Mechanic
27	Welder (Gas) Class I
25	White Washer Class I
26	Wireman Grade I, Class I
27	Wood Cutter Class I
28	Grinder (Tool) Grade I
29	Operator (Batching Plant Grade I)
30	Leader Grade I
31	Pile Driving Grade I

32	Pump Grade
33	Scraper Grade I
34	Screening Plant Grade I
35	Pump Grade I
36	Scraper Grade I
37	Security Guards (with arms)
38	Armature Winder Grade I
39	Blacksmith Grade I and Class I
40	Boilerman Grade I
41	Boilerman Foreman Grade I
42	Brick Layer class I
43	Cable Joiner Grade I
44	Carpenter grade I and Class I
45	Cello Cutter and Decorator
46	Chargeman Class I
47	Checker (Sr) Driver Lorry Grade I
48	Motor Lorry Grade I
49	Motor Vehicle Class I and Diesel Engine Grade I
50	Road Roller Grade I
51	Pump Class Electrician Grade I and Class I/ Grade I
52	Fitter (Grade I, Class I)
53	Pipe Class I (Head)
54	Foreman(Assistant) Line Man Grade I Mason (Skilled Grade I, Class I)
55	Mast Rig
56	Mechanic Class I and Class II
57	Mechanic (Diesel Grade I and Road Roller Grade I
58	Airconditioning Grade I/Class I, Mistry Grade I
59	Mistry (Airconditioning Grade I)
60	Overseer
61	Overseer (Senior and Junior)
62	Dragline Grade I
63	Drill Grade I
64	Dumper Grade I
65	Excavator Grade I
66	Fork Lift Grade I
67	Generator Grade I
68	Rigger Grade I
69	Rigger Grade II
70	Charper/Sletter Grade I
71	Shovel and Dragline Tractor Grade I

72	Tradesman Class I
73	Turner/Miller Grade I
74	Work (Assistant) Grade I
75	Compounder
76	Surveyor
77	Winding Engine Driver
78	Operator (Heavy Earth Moving Shovel and Bulldozer)
79	Head Mistry
80	Staff Nurse with Diploma
81	Drill Operator other than Jack Hammer
82	Electrical Supervisor with Competency Certificate
83	Underground Shift Boss
84	Head Mechanic
85	Qualified and Experienced Welder
86	Machine Tool Mechanic
87	Mechanical/Plant Foreman
88	Mining Supervisor
89	Vocational Training Instructor/Teacher
90	Head Electrician
91	Accountant
92	Steno with 7 years of service
93	Store Incharge
94	Shift Incharge
95	Supervisor
96	Incharge of Watch and Ward
97	Security Guard (Armed)
99	Crane Grade I
100	Diesel Engine Grade I
101	Dozer Grade I
102	Clamp Shell Grade I
103	Compressor Grade I
104	Grader Grade I
105	Tractor Grade I
106	Vibrator Grade I
107	Screening Plant Grade I
108	Shovel Grade I
109	Shovel and Dragline
110	Tyre vulcaniser Grade I
111	Security Guard (with Arms) and other categories by whatever name called which are of Highly-skilled nature

MINISTRY OF LABOUR AND EMPLOYMENT**NOTIFICATION**

New Delhi, the 29th October, 2020

G.S.R. 684(E).—The following draft rules, which the Central Government proposes to make in exercise of the powers conferred by section 99 of the Industrial Relations Code, 2020 (35 of 2020) read with section 24 of the General Clauses Act, 1897(10 of 1897) and in supersession of the –

- (i) the Industrial Tribunal (Procedure) Rules, 1949;
- (ii) the Industrial Tribunal (Central Procedure) Rules, 1954;
- (iii) the Industrial Disputes (Central) Rules, 1957; and
- (iv) the Industrial Employment (Standing Orders) Central Rules, 1946

except as respects things done or omitted to be done before such supersession, are hereby notified, as required by sub-section (1) of said section 99, for information of all persons likely to be affected thereby and notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of thirty days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to Shri Sanjeev Nanda, Under Secretary to the Government of India, Ministry of Labour and Employment, Room No. 17, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001 or by email – sanjeev.dom@nic.in. The objections and suggestions should be sent in a proforma containing columns (i) specifying the name and address of the person/organization and column (ii) specifying the rule or sub-rule which is proposed to be modified and column (iii) specifying the revised rule or sub-rule proposed to be substituted and reasons therefor;

Objections and suggestions, which may be received from any person or organization with respect to the said draft notification before expiry of the period specified above, will be considered by the Central Government.

DRAFT RULES**CHAPTER - I****PRELIMINARY**

1. Short title, application and commencement- (i) These rules may be called The Industrial Relation (Central) Rules, 2020.

(ii) They extend to whole of India including Union territories except Union Territories which have their respective legislature in respect to the industrial establishments and matters for which the Central Government is the appropriate Government.

(iii) They shall come into force on the date of their publication in the Official Gazette.

1A. Definition.- (1) In these rules, unless the context otherwise requires,-

- (a) “Code” means the Industrial Relations Code, 2020;
- (b) “section” means the section of the Code;
- (c) “electronically” means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;

(2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

2. Written Agreement for the settlement before the Conciliation Officer under clause (zi) of Section

2.- The Agreement under clause (zi) of Section 2 for written agreement between the employer and worker shall be in the form specified in **Form-I** and shall be signed by the parties in the agreement and a copy thereof shall be sent to the concerned Conciliation Officer.

Chapter II**BI-PARTITE FORUMS**

3. Constitution of Works Committee etc. under Section 3.- (1) Every employer to whom an order made under sub-section (1) of section 3 relates, shall forthwith proceed to constitute a Works Committee in the manner as is specified in the following sub-rules:-

(2) The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and class of workers engaged in, and to the sections, shops or departments of the establishment:

Provided that the total number of members of the Works Committee shall not exceed twenty:

Provided further that the number of representatives of the worker in the Works Committee shall not be less than the number of representatives of the employer therein.

(3) Subject to the provisions of this rule, the representatives of the employer in the Works Committee shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with, or associated with, the working of the industrial establishment.

(4) (a) Where any workers of the industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to –

(i) How many of the workers are members of such Trade Union; and

(b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Regional Labour Commissioner (Central), who shall, after hearing the parties, shall decide the matter and his decision shall be final.

(5) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of worker's representative on the Committee in two following groups, namely:-

(a) registered Trade Union may choose their representatives as members for works committee in the proportion of their membership.

(b) where there is no registered Trade union, workers may choose amongst themselves representatives for works committee.

(6) (a) The Works Committee shall have among its office-bearers a Chairman, a Vice-Chairman, a Secretary and a Joint-Secretary. The Secretary and the Joint-Secretary shall be elected every year.

(b) the Chairman shall be nominated by the employer from amongst the employer's representatives on the Works Committee and he shall, as far as possible, be the head of the industrial establishment;

(c) the Vice-Chairman shall be elected by the members, on the Works Committee representing the workers, from amongst themselves:

Provided that in the event of equality of votes in the election of the Vice- Chairman, the matter shall be decided by draw of a lot:

(d) the Works Committee shall elect the Secretary and the Joint Secretary provided that where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the worker and vice versa:

Provided that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the employer or the worker for two consecutive years:

Provided that the representatives of the employer shall not take part in the election of the Secretary or Joint Secretary, as the case may be, from amongst the representatives of the worker and only the representatives of the worker shall be entitled to vote in such elections.

(e) In any election under clause (d), in the event of equality of votes, the matter shall be decided by a draw of lot.

(7) (a) the term of office of the representatives on the Works Committee other than a member chosen to fill a casual vacancy shall be two years;

(b) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor;

(c) A member who without obtaining leave from the Works Committee, fails to attend three consecutive meetings of the Committee shall forfeit his membership.

(8) In the event of worker's representative ceasing to be a member under clause (c) of sub-rule (7) or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be chosen in accordance with the provisions of this rule from the same group to which the member vacating the seat belonged.

(9) The Works Committee shall have the right to co-opt in a consultative capacity, persons employed in the industrial establishment having particular or special knowledge of a matter under discussion. Such co-opted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Works Committee.

(10)(a) the Works Committee may meet as often as necessary but not less often than once in three months.

(b) the Works Committee shall at its first meeting regulate its own procedure.

(11) (a) the employer shall provide accommodation for holding meetings of the Works Committee. He shall also provide all necessary facilities to the Works Committee and to the members thereof for carrying out the work of the Works Committee. The Works Committee shall ordinarily meet during working hours of the industrial establishment concerned on any working day and the representative of the worker shall be deemed to be on duty while attending the meeting;

(b) the Secretary of the Works Committee may with the prior concurrence of the Chairman, put up notice regarding the work of the Works Committee on the notice board of the industrial establishment.

4. Manner of choosing members from the employers and the workers for Grievance Redressal Committee under sub-section (2) of section 4.- The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed ten.

(2) The representatives of the employer shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with or associated with the working of the industrial establishment, preferably the heads of major departments of the industrial establishment.

(3) The representatives of the workers shall be chosen by the registered Trade Union. In case where there is no registered Trade union the member may be chosen by the workers of the industrial establishment:

Provided that there shall be adequate representation of women workers in the Grievance Redressal Committee and such representation shall not be less than the proportion of women workers to the total workers employed in the industrial establishment:

Provided further that the tenure of the members of the Grievance Redressal Committee shall be co-terminus with the tenure of the members of the registered Trade Union.

Provided further that in the absence of registered Trade Union, the tenure of members of Grievance Redressal Committee shall be for a period of two years from the date of the constitution of the Grievance Redressal Committee.

(4) Where any workers of the industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to –

(a) how many of the workers are members of such Trade Union;

(b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Regional Labour Commissioner (Central) who shall, after hearing the parties, shall decide the matter and his decision shall be final.

(5) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of worker's representative on the Committee by two following groups, namely:-

(a) registered Trade Union may choose their representatives as members for Grievance Redressal Committee in the proportion of their membership.

(b) such workers those who are not member of registered Trade Union, may choose amongst themselves representatives for the Grievance Redressal Committee.

5. Application in respect of any dispute to be filed before the Grievance Redressal Committee by any aggrieved worker under sub-section (5) of section 4.- Any aggrieved worker may file an application stating his dispute therein before the Grievance Redressal Committee giving his name, designation, employee Code, Department where posted, length of service in years, category of worker, address for correspondence, contact number, details of grievances and relief sought. Such application may be sent electronically or otherwise. The Grievance may be raised within one year from the date on which the cause of action of such dispute arises.

6. Manner of filing application for the conciliation of grievance as against the decision of the Grievance Redressal Committee to the conciliation officer under sub-section (8) of section 4.- Any worker who is aggrieved by the decision of the Grievance Redressal Committee or whose grievance is not resolved by the said Committee within thirty days of receipt of the application, may file an application through Samadhan Portal of the Ministry of Labour and Employment or by registered post or speed post within a period of sixty days from the date of the decision of the Grievance Redressal Committee or from the date on which the period specified in sub-section (6) of section 4 expires, as the case may be, to the conciliation officer through the Trade Union, of which he is a member or otherwise:

Provided that in case of manual receipt of such application through registered post or speed post, the conciliation officer shall get the same digitized and enter the particulars of the application in the online mechanism under intimation to the concerned worker.

Chapter III

STANDING ORDERS

7. Manner of forwarding information to certifying officer under sub-section (3) of section 30.-

(1) If the employer adopts the model standing order of the Central Government referred to in section 29 with respect to matters relevant to his industrial establishment or undertaking, then, he shall intimate the concerned certifying officer electronically the specific date from which the provisions of the model standing order which are relevant to his establishment have been adopted.

(2) On receipt of information in sub-rule (1) the certifying officer within a period of thirty days from such receipt may give his observation that the employer is required to include certain provisions which are relevant to his establishment and indicate those relevant provisions of the model standing orders which have not been adopted and shall also direct the employer to amend the standing order so adopted, by way of addition, deletion or modification within a period of thirty days from the date of the receipt of such direction and ask for compliance report only in respect of provisions which the certifying officer seeks to get so amended and such report shall be sent electronically by the employer.

(3) If no observation is made by certifying officer within a period of thirty days of the receipt of the information as specified in sub-rule (1) and (2), then, the standing order shall be deemed to have been adopted by the employer.

8. Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer where there is no Trade Union operating, under clause (ii) of sub-section (5) of section 30. – Where there is no such Trade Union as is referred to in clause (i) of said sub-section (5), then, the certifying officer shall call a meeting of the workers to choose three representatives, to whom he shall, upon their being chosen, forward a copy of the standing order requiring objections, if any, which the workers may desire to make to the draft standing order to be submitted within fifteen days from the receipt of the notice.

9. Manner of authentication of certified standing orders under sub-section (8) of section 30.-

Standing orders or modification in the standing orders, certified in pursuance of sub-section (8) of section 30 or the copies of the order of the appellate authority under sub-section (1) of section 33 shall be authenticated by the certifying officer or the appellate authority, as the case may be, and shall be sent electronically within a week to all concerned, but there shall not be any requirement of certification in cases of deemed certification under sub-section (3) of section 30 and in cases where the employer has certified adoption of model standing orders.

10. Statement to be accompanied with draft standing orders under sub-section (9) of section 30.- A statement to be accompanied with-

(i) draft standing order shall contain, the particulars such as name of the industrial establishment or undertaking concerned, address, e-mail address, contact number and strength and details of workers employed therein including particulars of Trade union to which such workers belong; and

(ii) draft modification in the existing standing orders, shall contain the particulars of such standing orders which are proposed to be modified along with a tabular statement containing details of each of the relevant provision of standing order in force and proposed modification therein and reasons thereof and such statement shall be signed by a person authorized by the industrial establishment or undertaking.

11. Conditions for submission of draft standing order in similar establishment under sub-section (10) of section 30.- In cases of group of employer engaged in similar industrial establishment may submit a joint draft standing order under section 30 and for the purpose of proceedings specified in sub-sections (1), (5), (6), (8) and (9) thereof after consultation with the concerned Trade union.

Provided that the joint draft standing orders, in cases of group of employers engaged in similar industrial establishments, will be drafted and submitted to the Chief Labour Commissioner (Central) who shall, in consultation with the concerned certifying officers, certify or refuse to certify the said joint draft standing order, after recording reasons therefor.

12. Manner of disposal of appeal by appellate authority under section 32:-

(1) An employer or Trade Union desirous of preferring an appeal against the order of the certifying officer given under sub-section (5) of section 30 shall within sixty days of the receipt of such order shall draw up a memorandum of appeal in tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added and reasons thereof and shall be filed electronically to the appellate authority.

-(2) The appellate authority shall fix a date for the hearing of the appeal and direct notice thereof to be given –

- (a) where the appeal is filed by the employer or a worker, to Trade Union of the workers of the industrial establishment or to the representative body of the workers concerned or to the employer, as the case may be;
- (b) where the appeal is filed by a Trade Union, to the employer and all other Trade Unions of the workers of the industrial establishment; and
- (c) where the appeal is filed by the representative of the workers, to the employer and any other worker whom the appellate authority joins as a party to the appeal.

(3) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

(4) The appellate authority may at any stage of the proceeding call for any evidence, if it considers necessary for the disposal of the appeal.

(5) On the date fixed under sub-rule (2) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called or consider to be relevant if produced and after hearing the parties dispose of the appeal.

13. The language and the manner of maintaining standing order under sub-section (1) and (2) of section 33.- (1) The standing order finally certified by certifying officer shall be sent electronically except in the case of deemed certification under section 30.

(2) The text of the standing order as finally certified or deemed to have been certified or adopted model standing order under this Chapter shall be maintained by the employer in Hindi or in English and in the official language of the State where the industrial establishment is situated.

14. Register for final certified copy of Standing Order under section 34.- (1) The certifying officer shall maintain electronically, a register of all standing orders certified or deemed to have been certified or adopted model standing orders of all the concerned industrial establishments, inter-alia, containing the details of –

- (a) the unique number assigned to each standing order;
- (b) name of industrial establishment;
- (c) nature of industrial establishment;
- (d) date of certification or deemed certification or date of adoption of model standing order by each establishment or undertaking;
- (e) the areas of the operation of the industrial establishment; and
- (f) such other details as may be relevant and helpful in retrieving the standing orders and create a data base of such of all standing orders.

(2) The certifying officer shall furnish a copy of the certified standing orders or deemed certifying orders to any person applying there for on payment of two rupees per page of the certified standing orders or deemed certified standing orders, as the case may be. The payment for such purpose can also be made through electronic mode.

15. Application for modification of Standing Order under sub-section (2) of section 35.- The application for modification of an existing standing order under sub-section (2) of section 35 shall be submitted electronically and contain the particulars of such standing orders which are proposed to be modified along with a tabular statement containing details of each of the relevant provisions of standing order in force, and proposed modifications therein, reasons thereof and the details of registered Trade union(s) operating therein, and such statement shall be signed by a person authorized by the industrial establishment or undertaking.

Chapter IV

NOTICE OF CHANGE

16. The manner of giving of notice for change proposed to be effected under clause (i) of section 40.- (1) Any employer intending to effect any change in the conditions of service applicable to any worker in respect of any matter specified in the Third Schedule to the Code, shall give notice in **Form-II** to such worker affected by such change.

(2) The notice referred in sub-rule (1) shall be displayed conspicuously by the employer on the notice board at the main entrance of the industrial establishment and the office of the concerned Manager of the industrial establishment:

Provided that where there is a registered Trade Union or registered Trade Unions relating to the industrial establishment a copy of such notice shall also be served on the Secretary of such Trade Union or each of the Secretaries of such Unions, as the case may be.

Chapter V

VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

17. Form of arbitration agreement and the manner thereof under sub-section (3) of section 42. -

(1) Where the employer and workers agree to refer the dispute to arbitration, the Arbitration Agreement shall be in **Form-III** and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent either in writing or electronically of arbitrator or arbitrators.

(2) The Arbitration Agreement referred to in sub-rule (1) shall be signed.-

(i) In case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other officer of the corporation authorized for such purposes;

(ii) In the case of the workers by the officer of the registered Trade Union authorized in this behalf or by three representatives of the workers duly authorized in this behalf at a meeting of the concerned workers held for such purpose;

(i) In the case of an individual worker, an individual worker by the worker himself or by an officer of registered Trade Union of which the worker is a member:

Explanation.- (1) In this rule, the expression 'officer' means any officer of a registered Trade Union or an association of the employer authorized for such purpose;

(2) In this rule 'officer' means any of the following officers, namely:-

- a) the President;
- b) the Vice-President;
- c) the Secretary (including the General Secretary);
- d) a Joint Secretary; and
- e) any other officer of the Trade Union authorized in this behalf by the

President and Secretary of the union.

18. Manner of issue of notification under sub-section (5) of section 42.- Where an industrial dispute has been referred to arbitration and the Central Government is satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette and electronically for the information of the employers and workers who are not parties to the arbitration agreement but are concerned in the dispute and they may present their case before the arbitrator or arbitrators appointed for such purpose.

19. Manner of choosing representatives of workers where there is no Trade Union under sub-section (5) of section 42.- Where there is no Trade Union, the representative of workers to present their case before the arbitrator or arbitrators in pursuance of clause (c) of the proviso to sub-section (5) of section 42, shall be chosen by a resolution passed by the majority of concerned workers in **Form-IV** authorizing therein to represent the case. Such workers shall be bound by the acts of representatives who have been authorized to represent before the arbitrator or arbitrators, as the case may be.

Chapter VI

MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES

20. Manner of filling up of the vacancy under sub-section (9) of Section 44 and procedure for selection, salaries and allowances and other terms and condition of Judicial Member of the National Industrial Tribunal under sub-section (6) of Section 46.- (1) The qualification for appointment of the Judicial Member of the National Industrial Tribunal (hereinafter in this chapter referred to as the judicial Member) shall be such as provided in sub-section (3) of section 46.

(2) The Judicial member shall be appointed by the Central Government on the recommendation of a Search Cum Selection Committee (SCSC) specified in sub-rule (3).

(3) The Search Cum Selection Committee shall comprise of the following members, namely:-

- (i) Chief Justice of India or a Judge of Supreme Court nominated by him-Chairperson;
- (ii) Sitting Judicial Member of the other National Industrial Tribunal – Member; (Presently, there are two National Tribunals, one at Kolkata and the other at Mumbai)
- (iii) Secretary to the Government of India, Ministry of Labour and Employment-Member; and
- (iv) Secretary to the Government of India, Department for Promotion of Industry and Internal Trade – Member,

(4) The Search-cum-Selection Committee (SCSC) shall determine its procedure for making its recommendation and, after taking into account qualification, suitability, record of past performance, integrity as well as adjudicatory experience keeping in view of the requirement of the National Industrial Tribunal recommend a panel of two or three persons as it deems fit for appointment to each post.

(5) No appointment of a Judicial Member shall be declared invalid merely by reason of a vacancy or absence of any member in the Search-cum-Selection Committee.

(6) A Judicial Member shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty five years, whichever is earlier.

(7) In case of casual vacancy in the office of Judicial Member, the Central Government shall appoint the Judicial Member of the other National Industrial Tribunal to officiate as Judicial Member.

(8) (a) A Judicial Member shall be paid a salary of rupees 2,25,000/- (fixed) per month and shall be entitled to draw allowances as are admissible to an officer of the Government of India holding Group A post carrying the same pay.

(b) In case of appointment of retired High Court Judge, his pay shall be reduced by the gross amount of pension drawn by him.

(9) (a) In case of serving High Court Judges, the service rendered in the National Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service to which they belong and they shall be governed by the provisions of General Provident Fund (Central Service) Rules, 1960 and the rules for pension applicable to them.

(b) In case of retired High Court Judges, they shall be entitled to join Contributory Provident Fund Scheme as per rules during the period of their re-employment and additional gratuity shall not be paid for the service rendered in the National Industrial Tribunal.

(10) A Judicial Member shall be entitled for rent free furnished accommodation or house rent allowance at the rate as admissible to an officer of the Government of India holding Group A post carrying the same pay.

(11) (a) In case of serving High Court Judges, leave shall be admissible as admissible to the serving High Court Judges.

(b) In case of retired High Court Judges, leave shall be admissible as are admissible to an officer of the Government of India holding Group A post carrying the same pay.

(12) (a) The Central Government shall be the leave sanctioning authority for the Judicial Member.

(b) The Central Government shall be the sanctioning authority for foreign travel to the Judicial Member.

(13) Central Government Health Scheme facilities as admissible to an officer of the Government of India holding Group A post carrying the same pay shall be applicable.

(14) (a) Travelling allowance to a Judicial member shall be admissible as per entitlement of an officer of the Government of India holding Group A post carrying the same pay.

(b) In case of retired High Court Judges, transfer travelling allowance for joining the National Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the Government of India holding Group A post carrying the same pay.

(15) A Judicial Member shall be entitled for leave travel concession as admissible to an officer of the Government of India holding Group A post carrying the same pay.

(16) A Judicial Member shall be entitled for transport allowance as admissible to an officer of the Government of India holding Group A post carrying the same pay.

(17) No person shall be appointed as Judicial Member unless he is declared medically fit by an authority specified by the Central Government in this behalf.

(18) (a) If a written and verifiable complaint is received by the Central Government, alleging any definite charge of misbehavior or incapacity to perform the functions as Judicial Member, it shall make a preliminary scrutiny of such complaint.

(b) If on preliminary scrutiny, the Central Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehaviour or incapacity of a Judicial Member, it shall make a reference to the Search-Cum-Selection Committee to conduct the inquiry.

(c) The Search-Cum-Selection Committee shall complete the inquiry within six months' time or such further time as may be specified by the Central Government.

(d) After conclusion of the inquiry, the Search-Cum-Selection Committee shall submit its report to the Central Government stating therein its findings and the reasons therefor on each of the charges separately with such observations on the whole case as it may think fit.

(5) The Search-Cum-Selection Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

(19) A Judicial Member may, resign his office at any time by giving notice to this effect in writing under his hand addressed to the Central Government:

Provided that the Judicial Member shall, unless he is permitted by the Central Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of the office, whichever is earlier.

(20) (a) The Central Government shall, on the recommendation of Search-Cum-Selection Committee, remove from office any Judicial Member, who,-

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence which, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such a Judicial Member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Judicial Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where a Judicial Member is proposed to be removed on any ground specified in clauses (b) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

(21) Every person appointed as Judicial Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the **Form-V** annexed to these rules.

(22) Matter relating to the terms and conditions of services of the Judicial Member with respect to which no express provisions has been made in these rules, shall be referred by the Central Industrial Tribunal to the Central Government for its decision, and the decision of the Central Government thereon shall be binding.

(23) The Central Government shall have power to relax the provision of any of these rules in respect of any class or categories of persons for the reasons to be recorded in writing.

21. Manner of filling up of the vacancy under sub-section (9) of Section 44 and procedure for selection, salaries and allowances and other terms and condition of Administrative Member of the National Industrial Tribunal under sub-section (6) of section 46.- (1) The qualification for appointment of the Administrative Member of the National Industrial Tribunal (hereinafter in this chapter referred to as Administrative Member) shall be such as given in sub-section (4) of section 46.

(2) (a) The Administrative Member shall be appointed by the Central Government on the recommendation of a Search Cum Selection Committee (SCSC) specified in sub-rule (3) of this rule.

(3) The Search Cum Selection Committee shall comprise of the following members, namely:-

- I. Chief Justice of India or a Judge of Supreme Court nominated by him-Chairperson;
- II. Sitting Administrative Member of the other National Industrial Tribunal – Member; (presently there are two National Tribunals, one at Kolkata and the other at Mumbai)
- III. Secretary to the Government of India, Ministry of Labour and Employment-Member; and
- IV. Secretary to the Government of India, Department for Promotion of Industry and Internal Trade – Member,

(4) The Search-cum-Selection Committee (SCSC) shall determine its procedure for making its recommendation and, after taking into account qualification, suitability, record of past performance, integrity as well as experience keeping in view of the requirement of the National Industrial Tribunal and recommend a panel of two or three persons as it deems fit for appointment to said post.

(5) No appointment of Administrative Member shall be declared invalid merely by reason of one vacancy or absence of any Member in the Search-cum-Selection Committee.

(6) An administrative Member shall hold office for a term of four years or till he attains the age of sixty five years, whichever is earlier.

(7) In case of casual vacancy in the office of Administrative Member, the Central Government shall appoint the Administrative Member of the other National Industrial Tribunal to officiate as Administrative Member.

(8) The Administrative Member shall be paid a salary of rupees 2,25,000/- (fixed) per month and shall be entitled to draw allowances as are admissible to an officer of the Government of India holding Group A post carrying the same pay. In case of retired Government Officer, his pay shall be reduced by the gross amount of pension drawn by him.

(9) (a) In case of serving Government Officer, the service rendered in National Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service which he belong and shall be governed by General Provident Fund (Central Service) Rules, 1960.

(b) In case of retired Government Officers, they shall be entitled to join Contributory Provident Fund Scheme as per extant rules during period of their re-employment. Additional gratuity shall not be admissible for the service rendered by the Administrative Tribunal in National Industrial Tribunals.

(10) Administrative Member shall be entitled for rent free furnished accommodation or house rent allowance at the rate as admissible to an officer of the Government of India holding Group A post carrying the same pay.

(11) (a) In case of serving Government Officer, leave shall be admissible in accordance with the extant rules of the service which he belongs.

(b) In case of retired Government Officers, leave shall be admissible as are admissible to an officer of the Government of India holding Group A post carrying the same pay.

(12) (a) The Central Government shall be the leave sanctioning authority for the Member.

(b) The Central Government shall be the sanctioning authority for foreign travel to the Administrative Member.

(13) Central Government Health Scheme facilities as admissible to an officer of the Government of India holding Group A post carrying the same pay shall be applicable.

(14) (a) Travelling allowance to an Administrative Member shall be admissible as per entitlement an officer of the Government of India holding Group A post carrying the same pay.

(b) In case of retired Government Officer, transfer travelling allowance for joining the National Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the Government of India holding Group A post carrying the same pay.

(15) An Administrative Member shall be entitled for leave travel concession as admissible to an officer of the Government of India holding Group A post carrying the same pay.

(16) An Administrative Member shall be entitled for transport allowance as admissible to an officer of the Government of India holding Group A post carrying the same pay.

(17) No person shall be appointed as an Administrative Member, unless he is declared medically fit by an authority specified by the Central Government in this behalf.

(18) (a) If a written and verifiable complaint is received by the Central Government, alleging any definite charge of misbehaviour or incapacity to perform the functions as Administrative Member, it shall make a preliminary scrutiny of such complaint.

(b) If on preliminary scrutiny, the Central Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehaviour or incapacity of an Administrative Member, it shall make a reference to the Search-Cum-Selection Committee to conduct the inquiry.

(c) The Search-Cum-Selection Committee shall complete the inquiry within six months' time or such further time as may be specified by the Central Government.

(d) After conclusion of the inquiry, the Search-Cum-Selection Committee shall submit its report to the Central Government stating therein its findings and the reasons therefor on each of the charges separately with such observations on the whole case as it may think fit.

(e) The Search-Cum-Selection Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

(19) An Administrative Member may, resign his office at any time by giving notice to this effect in writing under his hand addressed to the Central Government:

Provided that the Administrative Member shall, unless he is permitted by the Central Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of the office, whichever is earlier.

(20) The Central Government shall, on the recommendation of the Search-Cum-Selection Committee, remove from office any Administrative Member, who-

- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence which, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as such Member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as an Administrative Member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where an Administrative Member is proposed to be removed on any ground specified in clauses (b) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

(21) Every person appointed as Administrative Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the **Form-V** annexed to these rules.

(22) Matter relating to the terms and conditions of services of the Administrative Member with respect to which no express provisions has been made in these rules, shall be referred by the National Industrial Tribunal to the Central Government for its decision, and the decision of the Central Government thereon shall be binding.

(23) The Central Government shall have power to relax the provision of any of these rules in respect of any class or categories of persons for the reasons to be recorded in writing.

22. Manner of holding conciliation proceedings under sub-section (1), full report under sub-section (4), and application and the manner of deciding such application under sub-section (6) of section 53.- (1) Where any industrial dispute exists or is apprehended or a notice under section 62 has been given, the conciliation officer on receipt of such application shall examine the application and if he finds that the dispute pertains to the jurisdiction of State Government shall transfer the dispute to the concerned authority. In other cases, he will issue first notice to the parties concerned declaring his intention to commence conciliation proceedings.

- (1) The employer or the workers representative in the first meeting shall submit their respective statement in the matter of said dispute.
- (2) The conciliation officer shall hold conciliation proceedings for the purpose of bringing about a settlement of the dispute and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement.

(2) If no such settlement is arrived at in the conciliation proceeding referred to in sub-rule (1), the conciliation officer shall submit a report on Samadhan Portal of the Ministry of Labour and Employment within seven days from the date on which the conciliation proceedings are concluded and made available on the said Samadhan Portal.

(3) The report referred to in sub-rule (2) shall be accessible to the parties concerned on the said Samadhan Portal.

(4) The report referred to in sub-rule (2) shall contain inter-alia the submissions of the employer, worker or Trade union, as the case may be, and it shall also contain the efforts made by the conciliation officer to bring the parties to the amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion of the conciliation officer.

(5) Any dispute which is not settled during the conciliation proceedings, then, either of the concerned party may make an application in **Form-VI**, before the Tribunal through Samadhan portal of the Ministry of Labour and Employment within ninety days from the date of the report under sub-rule (2).

(6) In case of an industrial dispute which has not been settled during the conciliation proceedings, an application may be made before the Tribunal by either of the parties concerned for adjudication. The Tribunal shall direct the party raising the dispute to file a statement of claim with complete details along with relevant documents, list of supporting documents and witnesses within thirty days from the date on which application is filed. A copy of such statement may be sent electronically or uploaded on the Samadhan portal for service on each of the opposite parties in the dispute.

(7) The Tribunal after ascertaining that the copies of statement of claim and other related documents are furnished to the other side by the party raising the dispute, the Tribunal shall fix the first hearing as soon as possible and within a period of one month from the date of receipt of the application. The opposite party or parties shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party or parties for service.

(8) Where the Tribunal finds that the party raising the dispute, despite its directions, did not forward the copy of the statement of claim and other documents to the opposite party or parties, it shall give directions to the concerned party to furnish the copy of the statement to the opposite party or parties, granting extension of fifteen days for filing the statement, if the Tribunal finds sufficient cause for not filing the statement of claim and other documents within time.

(9) Evidence shall be recorded either in Tribunal or, as the case may be, National Industrial Tribunal or may be filed on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. Where the oral examination of each witness proceeds, the Tribunal or the National Industrial Tribunal, as the case may be, shall make a memorandum of the substance of what is being deposed. While recording the oral evidence the Tribunal or National Industrial Tribunal shall follow the procedure laid down in rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

(10) On completion of evidence, arguments may be heard immediately or a date may be fixed for arguments, which shall not be beyond a period of fifteen days from the closure of evidence.

(11) The Tribunal or National Industrial Tribunal, as the case may be, shall not ordinarily grant an adjournment for a period exceeding a week at a time, but not in any case more than three adjournments in all, at the instance of the parties to the dispute, shall be granted:

Provided that the Tribunal or the National Industrial Tribunal, as the case may be, for reasons to be recorded in writing, grant an adjournment exceeding a week at a time but not in any case more than three adjournments, at the instance of any one of the parties to the dispute, shall be granted.

(12) In case any party defaults or fails to appear at any stage, the Tribunal or National Industrial Tribunal, as the case may be, may proceed with the case ex-parte, and decide the application in the absence of the defaulting party:

Provided that the Tribunal or as the case may be, the National Industrial Tribunal may on the application of either party filed before the submission of the award, revoke the order that the case shall proceed ex- parte, if it is satisfied that the absence of the party was on justifiable grounds, and proceed further to decide the matter as contested.

(13) The Tribunal or the National Industrial Tribunal, as the case may be, shall communicate its Award electronically to the parties concerned and the Central Government and upload on the Samadhan portal within one month from the date of the pronouncement of the award.

(14) The Tribunal or National Industrial Tribunal may summon and examine any person whose evidence appears to it to be material for deciding the case and shall be deemed to be a civil court within the meaning of sections 345, 346 and 348 of the Code of Criminal Procedure, 1973 (1 of 1974).

(15) Where assessors are appointed to advise a Tribunal or National Industrial Tribunal under sub-section (5) of section 49 in relation to proceeding before it, the Tribunal or National Industrial Tribunal shall obtain the advice of such assessors, but such advice shall not be binding on such Tribunals.

(16) A party in an award, who wants to obtain a copy of the award or other document, may obtain a copy of the award or other document after depositing the fee electronically in the Tribunal or National Industrial Tribunal, as the case may be, in the following manner, namely :-

- (a) fee for obtaining a copy of an award or the document filed in any proceedings of Tribunal or National Tribunal be charged at the rate of Rs. Two per page.
- (b) For certifying a copy of any such award or order or document, a fee of Re. Two per page shall be payable.
- (c) Copying and certifying fees shall be payable electronically.
- (d) Where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee leviable under this rule shall be payable.

(17) The representatives of the parties appearing before a Tribunal or National Industrial Tribunal shall have the right of examination, cross-examination and of addressing the Tribunal or National Industrial Tribunal when evidence has been called.

(18) The proceedings before Tribunal or National Industrial Tribunal shall be held in open court:

Provided that the Tribunal or National Industrial Tribunal may direct any proceeding before it to be held by video conferencing.

Provided further that Tribunal or National Industrial Tribunal may at any stage direct that any witness shall be examined or its proceedings be held in-camera.

Chapter VII

STRIKES AND LOCK-OUTS

23. Number of persons by whom the notice of strike shall be given, the person or persons to whom such notice shall be given and the manner of giving such notice under sub-section (4) of section 62. - The notice of strike referred to in sub-section (1) of section 62 shall be given to the employer of an industrial establishment in **Form-VII** which shall be duly signed by the Secretary and five elected representatives of the registered Trade Union relating to such industrial establishment endorsing the copy thereof electronically or otherwise to the concerned conciliation officer, Chief Labour Commissioner (Central) and the Central Government.

24. Manner of giving notice of lock-out under sub-section (5) and authority under sub-section (6) of section 62. - (1) The notice of lock-out referred to in sub-section (2) of section 62 shall be given by the employer of an industrial establishment in **Form-VIII** to the Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof to the concerned conciliation officer, Chief Labour Commissioner (Central) and the Central Government electronically. The notice shall be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

(2) If the employer of an industrial establishment receives from any person employed by him any notice of strike as referred to in sub-section (1) of section 62 then he shall within five days from the date of receiving of such notice, intimate the same electronically to the concerned conciliation officer and Chief Labour Commissioner (Central).

(3) If the employer gives to any person employed by him a notice of lock-out, then he shall within five days from the date of such notice, intimate electronically the same to the concerned conciliation officer and the Chief Labour Commissioner (Central).

Chapter VIII

LAY-OFF, RETRENCHMENT AND CLOSURE

- 25. Manner of serving notice before retrenchment of the worker under clause (c) of section 70. -** If any employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year under him then, such employer shall give notice of such retrenchment, in **Form-IX** to the Central Government, and the concerned Deputy Chief Labour Commissioner (Central) through e-mail or, by registered or speed post.
- 26. Manner of giving an opportunity for re-employment to the retrenched workers under Section 72.-** Where any vacancy occurs in an industrial establishment and there are workers of such industrial establishment retrenched within one year prior to the proposal for filling up such vacancy, then, the employer of such industrial establishment shall offer an opportunity at least 10 days before by registered post or speed post and through e-mail to such retrenched workers who are citizens of India. If such workers give their willingness for employment then, the employer shall give them preference over other persons in filling up of such vacancy.
- 27. Manner of serving notice by the employer for intended closure under sub-section (1) of section 74. —** If an employer intends to close down an industrial establishment he shall give notice of such closure in **Form-IX** to the Central Government and a copy thereof to the concerned Deputy Chief Labour Commissioner (Central), by e-mail or registered post or speed post.

Chapter IX

SPECIAL PROVISIONS RELATING TO LAY-OFF, RETRENCHMENT AND CLOSURE IN CERTAIN ESTABLISHMENTS

- 28. Manner of making application to the Central Government by the employer for the intended lay-off and the manner of serving copy of such application to workers under sub-section (2) of section 78.-** An application for permission under sub-section (1) of section 78 shall be made by the employer in **Form- X** stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to the worker concerned electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.
- 29. Manner for applying for permission from the Central Government to continue the lay-off under sub-section (3) of section 78.-** The employer shall in case of an industrial establishment being a mine specified in sub-section (3) of section 78 where the workers (other than Badli workers or casual workers) have been laid-off under sub-section (1) of section 78 for reasons of fire, flood or excess of inflammable gas or explosion, within a period of thirty days from the date of commencement of such lay-off, apply to the Central Government in **Form – X** electronically and by registered or speed post with a copy to the concerned Deputy Chief Labour Commissioner (Central) for permission to continue the lay-off specifying the number of days; intimating the number of workers to be laid off, the total number of workers employed in the industrial establishment, the date of layoff and the reasons for continuation of such lay off.
- 30. Time-limit for review under sub-section (7) of section 78.-** The Central Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (4) of the section 78 within a period of thirty days from the date on which such order is made.
- 31. Manner of making application to the Central Government by the employer for the intended retrenchment and manner of serving copy of such application to workers under sub-section (2) of section 79.-** An application for permission referred to in sub-section (1) of section 79 shall be made by the employer in **Form- X** stating clearly therein the reasons for the intended retrenchment electronically and a copy of such application shall also be sent to workers electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.
- 32. Time-limit for review under sub-section (6) of section 79.-** The Central Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (3) of section 79 within a period of thirty days from the date on which such orders is made.

33. Manner of making application to the Central Government by the employer for intended closing down of an industrial establishment and the manner of serving copy of such application to the representatives of workers under sub-section (1) of section 80.- An employer who intends to close down an industrial establishment to which Chapter X of the Code applies shall apply electronically in **Form X** for prior permission at least ninety days before the date on which intended closure is to become effective to the Central Government, stating clearly therein the reasons for the intended closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers electronically and by registered post or speed post.

34. Time-limit for review under sub-section (5) of section 80.- The Central Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (2) of section 80 within a period of thirty days from the date on which such order is made.

Chapter X

WORKER RE-SKILLING FUND

35. Manner of utilization of fund under sub-section (3) of section 83.- Every employer who has retrenched a worker or workers under this Code, shall, within ten days, at the time of retrenching a worker or workers shall electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account (name of the account shall be displayed on the website of the Ministry and Chief Labour Commissioner (Central)) to be maintained by the Central Government. The fund so received shall be transferred by the Central Government to each worker or workers' account electronically within forty five days of receipt of funds from the employer and the worker shall utilize such amount for his re-skilling. The employer shall also submit the list containing the name of each worker retrenched, the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the Central Government to transfer the amount in their respective account.

Chapter XI

OFFENCES AND PENALTIES

36. Manner of composition of offence by a Gazetted Officer specified under sub-section (1) of section 89 and the manner of making application for the compounding of an offence specified under sub-section (4) of section 89.-

(1) The officer notified by the Central Government for the purposes of compounding of offences under sub-section (1) of section 89 (hereinafter referred to as the compounding officer), shall in the offences in which prosecution is not instituted, if the compounding officer is of the opinion that any offence under the Code for which the compounding is permissible under section 89, he shall send a notice through Samadhan Portal to the accused in **Form XI** consisting of three parts. In part I of such Form, the compounding officer shall inter-alia specify the name of the offender and his other particulars, the details of the offence and in which section the offence has been committed, the compounding amount required to be paid towards the composition of the offence. Part II of the Form shall specify the consequences if the offence is not compounded and part III of the Form shall contain the application to be filed by the accused if he desires to compound the offence. Each notice shall have a continuous unique number containing alphabets or numeric and other details such as officer sending notice, year, place, type of inspection for the purpose of easy identification.

(2) The accused to whom the notice referred to in sub-rule (1) is served, may send the part III of the Form duly filled by him to the compounding officer electronically and deposit the compounding amount electronically or otherwise, within fifteen days of the receipt of the notice, in the account specified by the compounding officer in the notice.

(3) Where the prosecution has already been instituted against the accused in the competent Court, he may make an application to the Court to compound the offence against him and the Court, after considering the application, may allow composition of the offence by the compounding officer in accordance with provisions of section 89.

(4) If the accused complies with the requirement of sub-rule (2), the compounding officer shall compound the offence for the amount of money deposited by the accused and-

- (a) if the offence is compounded before the prosecution, then no complaint for prosecution shall be instituted against the accused; and

- (b) if the offence is compounded after institution of prosecution under sub-rule (3) with the permission of the Court, then, the compounding officer shall treat the case as closed as if no prosecution had been launched and will proceed in accordance with composition as under clause (a) and intimate the composition of offence to the competent Court in which the prosecution is pending and after receiving such intimation, the Court shall discharge the accused and close the prosecution.

(5) The compounding officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the Central Government.

Chapter XII

MISCELLANEOUS

37. Protected workers under sub-section (3) and (4) of section 90.—

(1) Every registered Trade Union connected with an industrial establishment, to which the Code applies, shall communicate to the employer before the 30th April of every year, the names and addresses of such of the officers of the Union who are employed in that establishment and who, in the opinion of the Union should be recognised as “protected workers”. Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.

(2) The employer shall, subject to sub-section (3) and sub-section (4) of section 90, recognise such workers to be “protected workers” for the purposes of section 90 and communicate to the Union, in writing, within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workers recognised as protected workers for the period of twelve months from the date of such communication.

(3) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workers, admissible for the industrial establishment, under sub-section (4) of section (90), the employer shall recognise as protected workers only such maximum number of workers:

Provided that where there is more than one registered Trade Union in the industrial establishment, the maximum number shall be so distributed by the employer among the Unions that the numbers of recognised protected workers in individual Unions bear practicably by the same proportion to one another as the membership figures of the Unions. The employer shall in that case intimate in writing to the President or the Secretary of the each concerned Union the number of protected workers allotted to it:

Provided further that where the number of protected workers allotted to a Union under this sub-rule falls short of the number of officers of the Union seeking protection, the union shall be entitled to select the officers to be recognised as protected workers. Such selection shall be made by the Union and communicated to the employer within five days of the receipt of the employer's letter in this regard.

(4) When a dispute arises between an employer and any registered Trade Union in any matter connected with the recognition of ‘protected workers’ under this rule, the dispute shall be referred to the any Deputy Chief Labour Commissioner (Central) or Regional Labour Commissioner (Central) or Assistant Labour Commissioner (Central) concerned, whose decision thereon shall be final.

38. Manner of making complaint by an aggrieved worker under section 91.- (i) Every complaint under section 91 of the Code shall be made electronically and by registered post or speed post in **Form-XII** and shall be accompanied by as many copies as there are opposite parties mentioned in the complaint.

(ii) Every complaint under sub-rule (1) shall be verified by the worker making the complaint or by authorized representative of the worker proved to the satisfaction of the conciliation officer, arbitrator, Tribunal or the National Industrial Tribunal, as the case may be, to be acquainted with the facts of the case.

39. Manner of authorization of worker for representing in any proceeding under sub-section (1) of section 94.- Where the worker is not a member of any Trade Union, then, any member of the executive or other office-bearer of any Trade Union connected with or by any other worker employed in the industry in which the worker is employed may be authorized by such worker to represent him in any proceeding under the Code relating to a dispute in which the worker is a party in **Form-IV**.

40. Manner of authorization of employer for representing in any proceeding under sub-section (2) of Section 94.- Where the employer, is not a member of any association of employers, may authorize in **Form-IV** an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged to represent him in any proceeding under the Code relating to a dispute in which the employer is a party.

41. Manner of holding an enquiry under sub-section (1) of section 85.-

Complaint .— (1) On receipt of a complaint of the offence committed under sub-sections (3), (5), (7), (8), (9), (10), (11) and (20) of section 86 and sub-section (7) of section 89, the same shall be enquired by an officer not below the rank of Under Secretary to the Government of India under sub-section (1) of section 85 (hereinafter referred to as the enquiry officer).

(2) Issue of Notice .— If the complaint filed is admitted by the Enquiry officer, he shall call upon the person or persons through a notice to be sent electronically and a copy of the same to be posted on Samadhan Portal to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the complainant of the date so specified.

(3) If the person or his representative fails to appear on the specified date, the Enquiry Officer may proceed to hear and determine the complaint ex-parte.

(4) If the complainant fails to appear on the specified date without any intimation to the Enquiry officer on two consecutive dates, the complaint may be dismissed .

Provided that not more than three adjournments may be given on the joint application made by complainant and the opposite party.

Provided further that the enquiry officers shall at his discretion permit hearing the parties or any of the party, as the case may be, through video conferencing.

(5) Authorisation.—The authorisation to appear on behalf of any person, under section sub-section (2) of section 85 shall be given by a certificate or electronic certificate, as the case may be, which shall be presented to the Enquiry Officer during the hearing of the complaint and shall form part of the record.

(6) Permission to appear.—Any person who intends to appear in the proceeding on behalf of complainant shall present before the Enquiry Officer and submit a brief written statement explaining the reason for his appearance. The Enquiry officer shall record an order on the statement and in the case of refusal shall include reasons for the same, and incorporate it in the record.

(7) Presentation of documents.— Complaint or other documents relevant to the complaint may be presented in person to the Enquiry Officer at any time during hours fixed by the Enquiry Officer, or may be sent to him electronically or by registered post or speed post.

(8) The Enquiry Officer shall endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be. If the documents have been submitted electronically, no such endorsement shall be necessary.

(9) Refusal to entertain complaint .—

(i) The Enquiry Officer may refuse to entertain a complaint presented under sub-section (1) of section 85 if after giving the complainant an opportunity of being heard, the Enquiry Officer is satisfied, for reasons to be recorded in writing that—

(a) the complainant is not entitled to present the complaint; or

(b) the complainant is barred by limitation under the provisions of this Code

(c) the complainant fails to comply the directions given by the Enquiry Officer under sub-section (2) of section 85.

(ii) The Enquiry Officer may refuse to entertain complaint which is otherwise incomplete. He may ask complainant to rectify the defects and if the Enquiry Officer thinks that the complaint cannot be rectified he may return the complaint indicating the defects and, if he, so refuses shall return it at once indicating the defects. If the complaint is presented again, after the defects have been rectified, the date of representation shall be deemed to be the date of presentation for the purpose of sub-section (1) of section 85.

(10) Record of proceedings.— The Enquiry Officer shall in all cases mention the particulars at the time of passing of order containing the details, i.e., date of complaint, name and address of the complainant, name and address of the opposite party or parties, section-wise details of the offence committed, plea of the opposite party, findings and brief statement of the reason and penalty imposed with signature, date and place.

(11) Exercise of powers.—In exercise of the powers of a Civil Court, conferred under the Code of Civil Procedure, 1908, the Enquiry Officer shall be guided in respect of procedure by relevant orders of the First Schedule of the Code of Civil Procedure, 1908, with such alterations as the Enquiry Officer may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of this Code or these rules.

(12) Order or direction when to be made.—The Enquiry Officer, after the case has been heard, shall make the order or direction on a future date to be fixed for this purpose.

(13) Inspection of documents.—Any person, who is either a complainant or an opposite party or his representative, or any person permitted under sub-rule (3) shall be entitled to inspect any complaint, or any other document filed with the Enquiry Officer be, in a case to which he is a party .

42. Submission of a copy each of the Form to the office of Director General, Labour Bureau under clause (zzf) of sub-section 2 of section 99. – A copy each of Form VII (notice of strike), Form VIII (notice of lockout), Form IX (notice for intimation of retrenchment or closure to the Central Government), Form X (Application for permission of lay-off or retrenchment or closure), and Form XI (compounding of offences), shall be shared electronically with Director General, Labour Bureau in auto-mode.

Form-I

(See Rule 2)

(Memorandum of settlement arrived at during conciliation/ or settlement arrived at between the employer and his workers otherwise than in the course of conciliation proceeding)

Names of Parties:

..... Representing employer(s);

..... Representing workers;

Short recital of the case

.....

Terms of settlement

.....

Signature of the parties

Witnesses:

(1)

(2)

*Signature of Conciliation Officer

In case the settlement arrived at between the employer and his workers otherwise than in the course of conciliation proceeding the copy of the memorandum shall be marked to the concerned Deputy chief Labour Commissioner (c).

FORM-II

(See Rule 16)

(Notice of change of service conditions proposed by an employer)

Name of employer.....

Address.....

Dated the day of 20.....

In accordance with section 40(1) of Industrial Relation code I/We hereby give notice to all concerned that it is my/our intention to effect the change/changes specified in the annexure, with effect from in the conditions of service applicable to workers in respect of the matters specified in the Third Schedule to this code

Signature.....

Designation

ANNEXURE

(Here specify the change/changes intended to be effected)

Copy forwarded to:

1. The Secretary of registered Trade Union, if any.
2. Concerned Deputy Chief Labour commissioner.

FORM-III**(Agreement for voluntary arbitration)****(See Rule 17)****BETWEEN**

.....Name of the parties representing employer (s)

And

.....Representing worker

It is hereby agreed between the parties to refer the following dispute to the arbitration of
 [here specify the name(s) and address(es) of the arbitrator (s).

- (i) Specific matters in dispute.
- (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.
- (iii) Name of the worker in case he himself is involved in the dispute or the name of the union, if any, representing the worker or workers in question.
- (iv) Total number of workers employed in the undertaking affected.
- (v) Estimated number of workers affected or likely to be affected by the dispute.

*We further agree that the majority decision of the arbitrators) shall be binding on us in case the arbitrator(s) are equally divided in their opinion they shall appoint another person as umpire whose award shall be binding on us.

The arbitrator (s) shall make his (their) award within a period of (here specify the period agreed upon by the parties) from the date of publication of this agreement in the Official Gazette by the central Government or within such further time as is extended by mutual agreement between us in writing. In case, the award is not made within the period afore mentioned, the reference to the arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitrator.

Signature of the parties Representing employer] Representing worker/ workers.

Witnesses

1.
2.

Copy to: (i) The Conciliation Officer [here enter office address of the Conciliation Officer for the area concerned]. .

(ii) The Secretary to the Government of India, Ministry of Labour.

FORM-IV**(See Rule 19, Rule 39 and Rule 40)**

(Authorization by a worker, group of worker, employer, group of employer to be represented in a proceeding before the authority under this Code).

Before the Authority

(Here mention the authority concerned)

In the matter of: (mention the name of the proceeding)

.....workers

VersusEmployer

I/we hereby authorise Shri / Sarvashri (if representatives are more than one) 1.....2.....3..... to represent me/us in the above matter.

Dated this.....day of.....20.....

Signature of person(s) nominating the representative(s)

Address Accepted

FORM-V**(See Rule 20 and 21)****Form of Oath of Office for Judicial Member or Administrative Member (whichever is applicable) of National Industrial Tribunal**

I, A, B., having been appointed as Judicial Member/Administrative Member (whichever is applicable) of National Industrial Tribunal (Name of the Tribunal) do solemnly affirm/ do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Judicial Member/Administrative Member of National Industrial Tribunal (Name of the Tribunal) to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of the land.

(Signature)

Place:

Date:

FORM-VI**(See Rule 22)**

(Application to be submitted before the Tribunal in the matter not settled
by the Conciliation Officer)

Before..... (here mention the name of the Tribunal having jurisdiction over the area)

In the matter of:

..... Applicant

Address.....

Versus

..... Opposite party (ies)

Address.....

The above mentioned applicant begs to state as follows :-

(Here set out the relevant facts and circumstances of the case).

The applicant prays that the instant dispute may please be admitted for adjudication and request to pass appropriate Award.

Date

Place

Form-VII**(See Rule 23)****(Notice of Strike to be given by Union(Name of Union)/ Group of Workers)**

Name of five elected representatives of workers.....

Dated the.....day of.....20.....

To

(The name of the employer).

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of section 62 of the Industrial Relation code I/We hereby give you notice that I propose to call a strike / we propose to go on strike on20....., for the reasons explained in the annexure.

Yours faithfully,

(Secretary of the Union)

Five representatives of the workers duly elected at a meeting held on (date), vide resolution attached.]

ANNEXURE**Statement of the Case.**

Copy to;

- 1) Deputy Chief Labour Commissioner (Central), of the concerned area .
- 2) Chief Labour Commissioner (central) New Delhi

FORM-VIII**(See Rule 24)**

(Notice of Lock-out to be given by an employer of an industrial establishment)

Name of employer

Address.....

Dated the.....day of.....20.....

In accordance with the provisions of 62(6) of this code, I/we hereby give notice to all concerned that it is my/our intention to effect lock out in.....department(s), section(s) of my/our establishment with effect from.....for the reasons explained in the annexure.

Signature.....

Designation.....

ANNEXURE

1.	Statement of reasons

Copy forwarded to:

- (1) The Secretary of the Registered Union, if any
- (2) Conciliation officer [Here enter office address of the Assistant Labour Commissioner / Regional Labour commissioner/ Deputy Chief Labour commissioner (Central) of the concerned area.]
- (3) Chief Labour Commissioner (central) New Delhi
- (4) To the office of DG Labour Bureau.

Form- IX

(See Rule 25 and 27)

(Notice of Intimation of Retrenchment/ Closure to be given by an employer to the Central Government under the provisions of Chapter IX of the Industrial Relations Code, 2020 and rules made there under)

(To be submitted online. In case of exigencies, on paper in the prescribed format below)

Name of Industrial Establishment /Undertaking/ Employer.....

Labour Identification Number

Dated..... (Note: The intimation for Closure/Retrenchment to the appropriate government shall be served 60 days and 30 days before commencement of Closure/Retrenchment respectively)

To,

The Secretary to the Government of India,

Ministry of Labour & Employment

New Delhi

1. *(Retrenchment) (a) Under Section 70(C) of this Code, I/ we* hereby intimate you that I*/we* have decided to retrench..... workers** out of a total of Workers** with effect from..... (DD/MM/YYYY)

or

(Closure) (b) Under Section 74(1) of this Code, I / we hereby intimate you that I*/we* have decided to close down,.....(name of the industrial establishment or undertaking) with effect from..... (DD/MM/YYYY). The number of workers whose services would be terminated on account of the closure of the undertaking is..... (number of workers)

2. The reason for Retrenchment / Closure is

3. * The worker(s)* concerned were given on the..... (DD/MM/YYYY) one month's notice in writing as required under section 70(a)*/ section 75(1)* of this Code.

or

* The worker(s) concerned have been given on the..... (DD/MM/YYYY) one month's pay in lieu of the notice as required under section 70(a)*/ section 75(1)* of this Code.

4. * I*/We* hereby declare that the worker(s) concerned have been*/will be* paid all their dues along with the compensation due to them under section 70* / section 75* of this Code before or on the expiry of the notice period.

or

I*/We* hereby state that currently Insolvency proceedings are on in respect of the said Industrial Establishment/Undertaking/Employer, and that I*/we* will pay all the dues along with the compensation due to them under concerned laws.

5. (Retrenchment) I/we* hereby declare that the worker(s) concerned have been* / will be* retrenched in compliance to the Section 71 and section 72 of this Code.

6. I*/ we* hereby declare that no court case is pending before any Court in the matter, and if yes, the details thereof have been Annexed.
7. I*/ we* hereby declare that the above information given by me*/us* in this notice and the Annexures is true, I*/ we* am*/ are* solely responsible for its accuracy and no facts/ materials has been suppressed in the matter.

Yours faithfully,

(Name of Employer/ ***Authorized Representative
with Seal)

(* Strike off which is not applicable.)

(** Indicate number in figures and words both)

(***Copy of Authorization letter issued by the employer shall be enclosed)

Copy to :

- (1) To the Office of DG Labour Bureau, Ministry of Labour and Employment, (Only for statistical purpose.)
- (2) DY. Chief Labour Commissioner (Central) of the concerned area.
- (3) To the Registered Unions/ Authorised Representatives of Workers operating in the establishments or undertakings.

FORM – X

[See Rule 28, 29, 31 and 33]

[Application for permission of Lay-off/ Continuation of Lay-off/ Retrenchment/ Closure to be given by an employer / Industrial establishment /Undertaking to the Central Government under the provisions of Chapter X of the Industrial Relations Code, 2020 and rules made there under]

(To be submitted online. In case of exigencies on paper in the prescribed format below)

Name of Industrial Establishment or Undertaking or Employer.....

Labour Identification Number.....

Dated.....

(Note: The application to the Central Government shall be served as indicated below:

Lay-off : at least 15 days before the intended Lay-off

Continuation of Lay-off – at least 15 days before the expiry of earlier Lay-off

Retrenchment – at least 60 days before the intended date of Retrenchment

Closure – at least 90 days before the intended date of Closure)

To,

The Secretary to the Government of India,

Ministry of Labour & Employment

New Delhi

1. *(Lay-off) (a). Under section 78(2) of the Industrial Relations Code, 2020, I*/we* hereby apply for "permission to lay-offworkers** out of total of workers** employed in my*/our* establishment (details to be given in Annex-I) with effect from (DD/MM/YYYY).

or

(Continuation of lay-off) (b) Under section 78(3) of the Industrial Relations Code, 2020, I/we* hereby apply for permission to continue the Lay-offworkers** out of total of laid off workers** in my*/our* establishment (details to be given in Annex-I) with effect from (DD/MM/YYYY).

or

(Retrenchment) (c) Under section 79(2) of the Industrial Relations Code, 2020, I/we* hereby apply for permission for intended retrenchment of..... workers out of total of workers** employed in my*/our* establishment (details to be given in Annex-I) with effect from (DD/MM/YYYY).

or

(Closure) (d) Under section 80(1) of the Industrial Relations Code, 2020, I / we hereby inform you that I*/we* intended to close down the undertaking..... (name of the industrial establishment or undertaking or employer) (details to be given in Annex-1) with effect from..... (DD/MM/YYYY). The number of workers whose services would be terminated on account of the closure of the undertaking is..... (number of workers)

2. * (Lay-off/Continuation of Lay-off) The worker(s) concerned were given on (DD/MM/YYYY) notice in writing as required under section 78(2)*/ section 78(3)* of this Code.

or

(Retrenchment/ Closure) The worker(s) concerned were given on..... (DD/MM/YYYY) one month's notice in writing as required under section 79/ section 80* of this Code.

or

(Retrenchment/ Closure) The worker(s) have been given on..... (DD/MM/YYYY) one month's pay in lieu of notice as required under section 79/ section 80* of this Code.

3. The details of affected worker(s) is at Annexure II.

4. (Retrenchment) I*/we* hereby declare that the workers concerned will be retrenched in compliance to the Section 71 and section 72 of this Code.

5. *I/We* hereby declare that the worker(s) concerned have been*/will be* paid all the dues and compensation due to them under section 67, read with section 78(10)*/ section 79* / section 80* of this Code before or on the expiry of the notice period.

or

I/We hereby state that currently Insolvency proceedings are on in respect of the said Industrial Establishment/Undertaking/Employer, and that I/we* will pay all the dues along with the compensation due to them under concerned laws.

6. I/ we* hereby declare that no court case is pending before any Court in the matter, and if yes, the details thereof have been Annexed.
7. I/ we hereby declare that the above information given by me/ us* in this notice and enclosures is/ are* true, I/ we am/ are solely responsible for its accuracy and no facts/ materials has been suppressed in the matter.

The permission sought for may please be granted.

Yours faithfully,

(Name of Employer/ ***Authorised Representative
with Seal)

(* Strike off which is not applicable.)

(** Indicate number in figures and word both)

(***Copy of Authorization letter issued by the employer shall be enclosed)

ANNEXURE I

(Please give replies against each item)

1	Name of the undertaking with complete postal address, email, mobile and land line.	
2	Status of undertaking— (i) Whether Central public sector/State public sector/ etc, (ii) Whether a private limited company/ partnership firm/ partnership firm (ii) Whether the undertaking is Licensed/registered and if so, name of licensing/ registration authority and licence/registration certificate numbers.	
3	(a) MCA Number	
	(b) GSTN Number	
4	(i) Annual production, item wise for preceding three years- (ii) Production figures, month-wise, for the preceding twelve months,	
5	Audit report of establishment/ undertaking including Balance sheets, profit and loss accounts for the last three years.	To be annexed
6	Names of the inter-connected companies or companies under the same management.	
7	Details of lay-off/ Retrenchment resorted to in the last three years including the periods of such lay-offs/ Retrenchment the number of workmen involved in each such lay-off/ Retrenchment / continuation of lay off	
8	Any other relevant details which have bearing on lay-off/ continuation of lay off/ retrenchment/ closure.	

ANNEXURE II

(Details of affected workers)

Sl. No	UAN/ CMPFO	Name of the Worker	Category (Highly Skilled / Skilled/ Semi-skilled / Unskilled)	Date from which in service in/with the said establishment /Undertaking/ Employer	Wage as on date of Application	Remark
1						
2						
3						

FORM –XI

(See Rule 36)

Notice to the Employer who committed an offence for the first time under this code, for compounding of offence under sub-section (4) of section 89,

The undersigned and the Compounding Officer under sub-section 1 of section 89 of the Industrial Relation Code, 2020 hereby intimates that the allegation has been made against you for committing offence for the violation of various provision of this Code as per the details given below;-

PART - I

1. Name and Address of the offender Employer-
2. Address of the Establishment
4. Particulars of the offence
5. Section of the Code under which the offence is committed
6. Compounding amount required to be paid towards composition of the offence.....

PART – II

You are advised to deposit the above mentioned amount within fifteen days from the date of issue of this notice for compounding the offence as per section 89 (1) of the Industrial Relation Code, 2020, alongwith an application dully filled in part – III of this notice.

In case you fail to deposit the said amount within the specified time, no further opportunity shall be given and necessary direction for filing of prosecution under section ----- shall be issued.

(Signature of the Compounding Officer)

Date:

Place:

PART – III**Application under sub-section (4) of section 89 for compounding of offence**

1. Name of applicant (name of the employer who committed the offence under the Industrial Relation Code 2020 to be mentioned).....
2. Address of the applicant
3. Particulars of the offence
4. Section of the Code under which the offence has been committed
5. Details of the compounding amount deposited (electronically generated receipt to be attached).....
6. Details of the prosecution, if filed for the violation of above mentioned offences may be given
7. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence
8. Any other information which the applicant desires to provide

Applicant
(Name and signature)

Dated:

Place:

FORM –XII**(See Rule 38)**

(Complaint under Section 91 of the Industrial Relation Code, 2020)

Before the Conciliation officer/ Arbitrator/ Tribunal or, National Tribunal -----,

In the matter of :..... Reference No.....

A.....

Complainant(s);

Versus

B.....

Opposite Party(ies).

Address:

The petitioner(s) begs/beg to complain that the Opposite Party(ies) has/have been

guilty of a contravention of the provisions of section 90 of the Industrial Relation code, as shown below:

(Here set out briefly the particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act of the

management is challenged.)

The complainant(s) accordingly prays/pray that the Conciliation officer/ Arbitrator/ Industrial Tribunal or National Tribunal may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint and its annexure required under rule 91 of the Industrial Relation Code are submitted herewith.

Dated this.....day of.....20..... Signature of the Complainant(s)

Verification

I do solemnly declare that what is stated in paragraph..... above is true to my

knowledge and that what is stated in paragraphs..... above is stated upon information received and believed by me to be true. This verification is signed by me at..... onday of.....20.....

Signature

or Thumb impression of the person verifying.

[F. No. Z-20025/26/2015-LRC]

R. K. GUPTA, Jt. Secy.

MINISTRY OF LABOUR AND EMPLOYMENT**NOTIFICATION**

New Delhi, the 19th November, 2020

G.S.R. 729(E).—The following draft rules, which the Central Government proposed to make in exercise of powers conferred by Sections 133 and 134 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020) read with section 24 of General Clauses Act, 1897(10 of 1897) and in supersession of the-

1. The Dock Workers (Safety, Health and Welfare) Rules, 1990;
2. The Building and Other Construction Workers (Regulation of Employment and Condition of Services) Rules, 1998;
3. The Model Factories Rules;
4. The Mines Rules, 1955;
5. The Mines Rescue Rules, 1985;
6. The Mines Vocational Training Rules, 1966;
7. The Pithead Bath Rules, 1959;
8. The Mines Crèche Rules, 1966;
9. The Contract Labour (Regulation and Abolition) Central Rules, 1971;
10. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Central Rules, 1979.
11. The Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1957;
12. The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Rules, 1984;
13. The Sales Promotion Employees (Conditions of Service) Rules, 1976.

except as respects things done or omitted to be done before such supersession, are hereby notified as required by sub-section (1) of said Section 133 and sub-section (1) of sub section 134, for information of all persons likely to be affected thereby and notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of 45 days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to Shri Shivakant Kumar, Under Secretary to the Government of India, Ministry of Labour and Employment, Room No: 17, Shram Shakti Bhawan, Rafi Marg, New Delhi or by email (fasli@dgfasli.nic.in and shivkant.kr@gov.in) the objections and suggestions should be sent in a proforma containing columns (i) specifying the name and address of the persons and organizations and column (ii) specifying the rule or sub-rule which is proposed to be modified and column (iii) specifying the revised rule or sub rule proposed to be submitted and the reasons therefore;

Objections and suggestions, which may be received from any person or organization with respect to the said draft notification before expiry of a period of 45 days, specified above, will be considered by the Central Government.

DRAFT RULES**CHAPTER – I****PRELIMINARY**

1. Short title, extant and commencement.— (1) These rules may be called the Occupational Safety, Health and Working Conditions (Central) Rules, 2020.

(2) They extend to whole of India.

(3) They shall come into force on the date of their final publication in the Official Gazette.

2.

(1) In these rules, unless the context otherwise requires,-

- (a) “Code” means the Occupational Safety, Health and Working Conditions Code, 2020;
- (b) “Section” means the Section of the Code.
- (c) “Form” means a form annexed to these rules;

(d) “Registering Officer” means the registering officer appointed by the Central Government for purpose of these rules.

(2) The words and expressions used in these rules and are not defined therein , but are not in the Code, shall have respectively meaning assigned to them in the Code.

Chapter-II

Registration

3. Application for registration under Section 3.-

(1) (i) The employer seeking registration for an establishment not already registered shall apply electronically in **Form-I** on the Shram Suvidha Portal by giving details about the establishment, and uploading documents related to Registration of the establishment, proof of Identity and address of the employer(s) as specified in the Form. The Form shall be signed digitally or in any other manner as may be required on the portal. The applicant shall be responsible for veracity of all information submitted in the application.

(ii) The Permanent Account Number (PAN) of the applicant or the establishment allotted under Income Tax Act, 1961 or any other unique number allotted to the establishment under any other Act for the time being in force or any other particular furnished in the form, may be verified online.

(iii) The certificate of registration shall be issued in **Form-II** electronically immediately if the application is complete in all respect but not later than seven days from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated:

Provided that in exceptional circumstances the Central Government may, for such period, by notification, dispense with requirement of electronic registration, in respect of establishment or class of establishment, for part or whole of India, and submission of application in the form so provided, may be allowed.

(iv) The certificate of registration shall be non-transferable and a copy of the certificate of registration shall be displayed in the premises of the establishment at the conspicuous place in hard copy or electronically.

(2) The registering officer under the Code may direct the employer who fails to comply with the requirements of sub-rule (1), to do so within the time stated therein and such employer shall, thereupon comply with the instruction issued by the officer in this behalf.

(3) The employer in respect of an establishment already registered under any other central labour law for the time being in force shall, update the registration particulars on the Shram Suvidha Portal, within six months from the date on which the Code comes into force.

(4) Any registration obtained by providing wrong information shall be liable to be cancelled provided that establishment has been given an opportunity to show cause, electronically or by registered post, as to why the certificate of registration should not be cancelled.

(5) The employer shall quote the Registration Number on all documents prepared or completed by him in connection with the Code or the Rules or the Regulations or the Scheme, as the case may be, and in all correspondence with the office concerned.

(6) Any change in the ownership, management or any particular furnished in Registration Form submitted on the specified portal, shall be updated on the portal by the employer within thirty days of such change.

(7) The employer of an establishment to which the provisions of the Code apply and whose business activities are in process of closure, may apply for cancellation of registration online on the Shram Suvidha Portal after giving complete details of the dues payable under the Central Labour Codes:

Provided that no such application for cancellation of registration shall be entertained unless the employer has furnished all statutory returns, paid all statutory dues under the Central labour Codes and any other Central labour law in force in accordance with the law applicable for the time being and submitted a self-certification to that effect along with the application.

(8) The registering officer shall maintain a register of establishment electronically in **Form-III** showing the particulars of establishment in relation to which certificates of registration have been issued by him.

(9) The employer shall, within thirty days of the commencement and completion of any work, intimate to the Inspector-cum-Facilitator, having jurisdiction in the area where the proposed establishment or as the case may be, the work is to be executed, intimating the actual date of the commencement, completion of work and cessation of establishment, as the case may be, in **Form-IV** annexed to these rules electronically and the same shall be auto-shared to EPFO and ESIC.

4. Appeal under Section 3.- (i) The employer aggrieved by the order of Registering Officer, may appeal against such order before the appellate officer appointed by the Central Government for such purpose within thirty days from the date of receipt by him of such order, electronically.

(ii) Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, acknowledge it and intimate admission of such appeal, and shall register the appeal in electronic form to be kept for the purpose called the register of appeals.

(iii) When the appeal has been admitted, the appellate officer shall send the notice of the appeal to the registering officer, against whose order the appeal has been preferred and the registering officer shall thereupon send the records of the case to the appellate officer online electronically.

(iv) On receipt of the appeal, the appellate officer shall send a notice to the appellant to appear before him on such date and time as may be specified in the notice for the hearing of the appeal electronically or by registered post.

(v) If on the date fixed for hearing, the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellants by sending the copy of the order to the applicant electronically.

(vi) Where an appeal has been dismissed, the appellant may apply electronically to the appellate officer for the restoration of the appeal within thirty days from the date of receipt of the order and if the appellate officer is satisfied that the appellant was prevented by sufficient cause from appearing, the appellate officer shall restore the appeal.

(vii) The order of the Appellate Officer shall be communicated electronically or by registered post to the appellant and copy thereof shall be sent to the registering officer against whose order the appeal has been preferred and shall be disposed of within a period of thirty days from the date of receipt of appeal.

5. Notice of commencement and cessation of operation under Section 5.- The employer of every establishment being factory or mine or relating to contract labour or building or other construction works shall within thirty days of the commencement or cessation of operation, submit to the Registering Officer in **Form-IV**, electronically and the notice of cessation of operation shall be enclosed with a certificate that the payment of all dues to the workers employed in the establishment have been made and the premises are kept free from storage of hazardous chemicals and substances.

Chapter-III

Duties of Employer and Employee.

6. Annual Health Examination of employees under clause (c) of sub-section (1) of Section 6.- Every employer of factory, dock, mine and building or other construction work shall arrange to conduct free of cost, medical examination for every worker annually i.e. within 120 days from the commencement of the every calendar year who has completed 45 years of age. The medical examination shall be conducted by a qualified medical practitioner as per proforma in the **Form-V**. The Medical Certificate shall be submitted by the qualified medical practitioner to the concerned employer and employee.

7. Letter of appointment to employee under clause (f) of sub-section (1) of Section 6.-No employee shall be employed in any establishment unless he has been issued a letter of appointment in the prescribed format as appended to this Rule:

Provided that, an employee who has not been issued an appointment letter containing the required particulars, shall be issued an appointment letter within three months of coming into force of this rule.

Format

- (i) Name of employee:
- (ii) Father's name:
- (iii) Aadhar number:
- (iv) Labour Identification Number (LIN) of the establishment:
- (v) Universal Account Number (UAN)/Insurance Number (ESIC):
- (vi) Designation:
- (vii) Category of skill:
- (viii) Date of joining:
- (ix) Wages, Basic Pay & Dearness Allowance:
- (x) Other allowance including accommodation whichever is/are applicable:
- (xi) Avenue for achieving higher wages/higher position:

- (xii) Applicability of social security EPFO and ESIC benefits applicable:
- (xiii) Health check-up:
- (xiv) Broad Nature of duties to be performed:
- (xv) Any other information:

Signature

Occupier/employer/owner/agent/manager

8. Notice of accidents and dangerous occurrences under sub-section (1) Section 10 and Section 11.-

(1) Where at any place in an establishment which is factory, dock work, mines, building or other construction, an accident occurs which results in the death of any person, the employer or occupier or manager of the establishment shall forthwith send a notice thereof in **Form-VI** electronically and inform by telephone to the Inspector-cum-facilitator and Chief Inspector-cum Facilitator and District Magistrate or Sub-divisional Officer, the officer-in-charge of the nearest police station; and the family members /kin of the injured or deceased person.

(2) Where at any place in an establishment which is factory, dock work, mines, building or other construction work, an accident occurs which results in bodily injury by reason of which the person injured is prevented from working for a period of forty eight hours or more immediately following the accident, the employer or occupier or manager of the establishment shall forthwith send a notice in **Form-VI** within twelve hours after the completion of forty eight hours, electronically to the Inspector-cum-Facilitator.

(3) Wherein an establishment there is any dangerous occurrence as specified in the schedule annexed hereto, whether causing any bodily injury or disability or not, a notice in **Form-VI** shall within twelve hours be sent to:

- (a) The Inspector-cum-facilitator;
- (b) District Magistrate or Sub-divisional Officer;

Provided that if in the case of an accident or dangerous occurrence, death occurs to any person injured by such accident or dangerous occurrence after the notices and reports referred to in the foregoing sub-rules have been sent, the employer or occupier or manager of the establishment shall forthwith send a notice thereof by telephone and electronically to the authorities and persons mentioned in sub-rules (1) and (2) and also have this information confirmed in writing within 12 hours of the death.

Provided further that, if the period of disability from working for 48 hours or more referred to in sub-rule (2) does not occur immediately following the accident, or the dangerous occurrence, but later, or occurs in more than one spell, the report referred to shall be sent to the Inspector-cum-Facilitator in the prescribed form within 24 Hours following the hours when the actual total period of disability from working resulting from the accident or the dangerous occurrence becomes 48 hours.

SCHEDULE

The following classes of dangerous occurrences, whether or not they are attended by personal injury or disablement, namely:-

- (i) Bursting, of any plant or pipeline or equipment containing petroleum, steam, compressed air or other substance at a pressure greater than the atmospheric pressure;
- (ii) Collapse or failure of a crane, derrick, winch, hoist or other appliances used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane.
- (iii) Explosion, explosion due to explosives, fire, leakage or release of harmful toxic gases, bursting out, leakage or escape of any molten metal, or hot liquid or gas causing bodily injury to any person or damage to any room or place in which persons are employed;
- (iv) Explosion of a receiver or container used for the storage at pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas.
- (v) collapse or failure of lifting appliances or hoist or conveyors or other similar equipment for handling building or construction material or breakage or failure of rope, chain or loose gears; overturning of cranes used in building or other construction work; falling of objects from height;
- (vi) collapse of any wall, floor, gallery, roof bridge, tunnel, chimney, wall, building or subsidence of soil or any other structure, platform, staging, scaffolding or any means of access including formwork; contact work, excavation and collapse of transmission;
- (vii) Spillage or leakage of hazardous substances and damage to their container;

- (viii) collapse, capsizing, toppling or collision of transport equipment within the establishment;
- (ix) fall from height of any excavation, loading or transport machinery;
- (x) an instantaneous failure of a pillar, part of a pillar or several pillars of coal (i.e., a 'bump') in working below ground;
- (xi) a rock-burst in working belowground; a premature collapse of any part of the working;
- (xii) a breakage, fracture or failure of an essential part of any machine or apparatus whereby the safety of persons may be endangered;
- (xiii) a slide causing injury to any person, damage to any machinery, or interruption of normal mining operations;
- (xiv) failure of dump or side in opencast working; a blowout;
- (xv) a failure of any structure or installation whereby the safety of persons may be endangered; or spark generated due to electrical flash-over causing burn injury to any person;
- (xvi) a major uncontrolled emission of petroleum or chemical spillage;

9. Notice of disease under sub-section (1) and (2) of Section 12.- (1) A notice in the following format shall be sent forthwith electronically, to the Inspector-Cum Facilitator or Chief Inspector-cum-facilitator, by the employer or occupier or manager of an establishment in which there occurs any disease as notified under the Third Schedule of the Code.

NOTICE OF DISEASE

- (1) Name of establishment:
- (2) Nature of establishment:
- (3) In case of Mines the Name of the Mineral:
- (4) Details of Patient:
 - (a) Name of Patient:
 - (b) Works number of Patient:
 - (c) Address of Patient:
 - (d) Precise occupation of patient:
- (5) Nature of disease from which patient is suffering:
- (6) Date of Detection of Disease:
- (7) Details of Medical Practitioner:
- (8) Has the case been reported to the Medical Officer :

Signature of employer or occupier or manager

Date:

(2) If any qualified medical practitioner attends on a person who is or has been employed in an establishment and who is or is believed by the qualified medical practitioner to be suffering from any disease specified in the Third Schedule, the qualified medical practitioner shall without delay send a report in writing to the office of the Chief Inspector-cum-facilitator stating-

- (a) the name and full postal address of the patient,
- (b) the disease from which he believes the patient to be suffering, and
- (c) the name and address of the establishment in which the patient is or was last employed.

10. Duties of employee under clause (d) and (g) of Section 13.- If an employee comes to know that of any unsafe or unhealthy condition in the establishment, he shall report to the employer, health and safety representative or safety officer or agent or manager in case of mine, as soon as practicable, electronically or in writing or telephonically.

11. Rights of Employee under sub-section (3) of Section 14.- On receipt of information from the employee relating to the existence of an imminent danger to their safety and health, the employer shall take immediate remedial action in this regard. The employer, whether satisfied or not, shall send a report forthwith of such actions taken, to the Inspector-cum-facilitator electronically or by registered post or speed post.

Chapter-IV

Occupational Safety and Health

12. National Occupational Safety and Health Advisory Board under sub-sections (3), (4) and (5) of Section 16.-

- (1) the members of the National Board as specified in Section 16(2)(g), (j), (k), (l), (m) and (n) shall be nominated and approved by the Central Government.
- (2) The National Board may meet as often as necessary to discharge the functions as specified in Section 16(1) of the Code.

13. Resignation.- (1) A member of the National Board, not being an ex-officio member, may resign his office by a letter in writing addressed to the Chairperson of the National Board.

(2) The seat of such a member shall fall vacant from the date on which his resignation is accepted by the Central Government, or on the expiry of thirty days from the date of receipt of the letter of resignation by the Central Government whichever is earlier.

14. Cessation of membership.- If any member of the National Board, not being an ex-officio member, fails to attend three consecutive meetings of the National Board, without obtaining the leave sanctioned by the Chairperson of such National Board for such absence, he shall cease to be a member of National Board:

Provided that the Central Government may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of National Board.

15. Disqualification for membership.- A person shall be disqualified for being a member of the National Board—

- (i) if he is of unsound mind and stands so declared by a competent authority;
- (ii) if he is an un-discharged insolvent; or
- (iii) if he has been convicted for an offence, having a penalty of imprisonment of three months or more;

16. Removal from membership.- The Central Government may remove any member of the National Board, if in its opinion such member has ceased to represent the interest which he purports to represent on such National Board:

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making a representation against the proposed action under this rule.

17. Travelling Allowance for members.- (i) the travelling allowance of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(ii) the non-official members of the National Board shall be paid travelling allowance for attending the meeting of the National Board at such places as per the instructions issued by Department of Expenditure, Ministry of Finance, Government of India from time to time.

18. Collection of statistics and portal for inter-State migrant workers under sub-sections (1) and (2) of Section 21.- The employer shall submit the details of occupational safety and health statistics electronically on web portal designated for the purpose.

19. Safety Committee and Safety officers under Section 22.- (1) Every establishment employing 500 or more workers except for the establishment prescribed under sub-section (1) of Section 22 shall constitute a safety committee consisting of representatives of employers and workers.

(2) The tenure of the safety committee shall be for three years. The safety committee shall meet atleast once in every quarter. In case of mines, the safety committee shall meet atleast once in a month.

(3) The representative of the workers shall be chosen by the registered trade Union. In case where there is no registered trade union the members may be chosen by the workers of the establishment.

Provided that there shall be adequate representation of the women workers in the committee.

(4) Safety Committee shall have the right to be adequately and suitably informed of –

- (a) potential safety and health hazards to which the workers may be exposed at workplace;
- (b) data on accidents as well as data resulting from surveillance of the working environment and of the health of employees, conducted at such establishments.

(5) The owner, employer, occupier, agent or manager shall, within a period of 15 days from the date of receipt of the recommendations of the Safety Committee shall take action to implement the recommendations.

20. Composition of Safety Committee.- (1) The representatives of the management on Safety Committee, except in mine, shall consist of –

- (a) A senior official, who by his position in the organisation can contribute effectively to the functioning of the Committee, shall be the Chairman;
- (b) A Safety Officer and Medical Officer wherever available and the Safety Officer in such a case shall be the Secretary of the Committee; and
- (c) A representative each from the production, maintenance and purchase departments.

(2) The workers' representatives on the Safety Committee referred to in sub-rule (1) shall be chosen by the workers.

(3) The minutes of the meeting of the Safety Committee referred to in sub-rule (1) shall be recorded.

(4) Safety Committee shall have the right to be adequately and suitably informed of –

- (a) potential safety and health hazards to which the workers may be exposed at workplace;
- (b) data on accidents as well as data resulting from surveillance of the working environment and of the health of workers exposed to hazardous substances.

(5) Function and duties of the Safety Committee referred to in sub-rule (1) shall include –

- (a) assisting and cooperating with the management in achieving the aims and objectives outlined in the 'Safety and Health Policy';
- (b) dealing with all matters concerning health, safety and environment and to arrive at practicable solutions to problems encountered;
- (c) creating safety awareness amongst all workers;
- (d) undertaking educational, training and promotional activities;
- (e) discussing reports on safety, environmental and occupational health surveys, safety audits, risk assessment, emergency and disaster management plans and implementation of the recommendations made in the reports;
- (f) looking into the matters likely to cause danger to the safety and health of the workers and suggest corrective measures; and
- (g) reviewing the implementation of the recommendations made by it.

21. Composition of Safety Committee in case of mines.- (a) the manager referred to in section 67 of the Code shall be the Chairman;

(b) five officials or competent persons of the mine nominated by the Chairman;

(c) five workers, including proportionate number of contractor's employee, engaged in mining operation, nominated by the employees of the mine.

(d) Worker's representative where so designated, one each from mining, electrical and mechanical discipline;

(e) the safety officer, or where there is no safety officer, the senior most mine official next to the manager, who shall act as Secretary to the Committee; and

(f) qualified medical practitioner of the mine.

22. Functions of Safety Committee.— The functions of the Committee shall be-

- (a) to discuss remedial measures against the unsafe conditions and practices in the mine as pointed out in the reports of worker's representative brought to the notice of the Committee and make appropriate recommendations;
- (b) to consider, before commencement of operations in any, new area of the mine or installations of oil mine or commissioning of new electrical or mechanical installation or introduction of new mining technique, the proposed Safety and health measures including related codes of practice and to make appropriate recommendations;
- (c) to discuss the report of inquiry into accident, dangerous occurrences etc., and make appropriate recommendations;
- (d) to formulate and implement appropriate Safety campaign based on analysis of accidents and dangerous occurrences;
- (e) to serve as a forum for communication on Safety and occupational health matters; and

- (f) to discuss the standard operating procedures (SOP) prepared for different plant, equipment, installations and methods at the mine and make appropriate recommendations.

23. Recommendations of the Safety Committee.- (i) to assist the manager in any other matter relating to safety in the mine.

(ii) The safety officer shall ensure that an appropriate emergency plan as required under these regulations is put in place and the requirements of the same are implemented.

(iii) Except in an emergency, no duties other than those specified above shall be assigned to the Safety officer.

(iv) The safety officer shall maintain in a bound paged book a detailed record of the work performed by him.

24. Safety Officer for Dock Works and Building or Other Construction Works.- (1) A person shall not be eligible for appointment as a safety officer relating to dock work or building or other construction work unless he possesses –

(i) a recognised degree in any branch of engineering or technology and has had practical experience in a supervisory capacity for a period of not less than 2 years; or

(ii) a recognised degree in physics or chemistry and has had practical experience in a supervisory capacity for a period of not less than 5 years; or

(ii) a recognised diploma in any branch of engineering or technology and has had practical experience in a supervisory capacity for a period of not less than 5 years;

(iii) possesses a degree or diploma in industrial safety recognised by the State Government in this behalf; and

(2) Notwithstanding anything contained in sub-rule (1), any person who - (i) possesses a recognised degree or diploma in engineering or technology and has had experience of not less than 5 years in a department of the Central or State Government which deals with the administration of the Factories, Building or other Construction works and Dock works or

(ii) possesses a recognised degree or diploma in engineering or technology and has had experience of not less than 5 years, full time, on training, education, consultancy, or research in the field of accident prevention in industry or in any institution;

shall also be eligible for appointment as a safety officers :

25. Duties of Safety Officers in case of Dock Works. -The duties of a Safety Officer shall be to advise and assist in the fulfillment of its obligations, statutory, concerning prevention of personal injuries and maintaining a safe working environment and such duties shall include the following, namely. - (i) to advise the concerned departments in planning and organising measures necessary for the effective control of personal injuries;

(ii) to advise on safety aspects in all job studies, and to carry out detailed job safety studies of selected jobs;

(iii) to check and evaluate the effectiveness of the action taken or proposed to be taken to prevent personal injuries;

(iv) to provide advice on matters related to carrying out plant safety inspections;

(v) to carry out plant safety inspections in order to observe the physical conditions of work and the work practices and procedures followed by workers and to render advice on measures to be adopted for removing the unsafe physical conditions and preventing unsafe actions by workers;

(vi) to render advice on matters related to reporting and investigation of industrial accidents and diseases;

(vii) to investigate selected accidents;

(viii) to investigate the cases of notifiable diseases listed in the Third Schedule to the Code;

(ix) to organise in association with the concerned departments, campaigns, competitions, contests and other activities which will develop and maintain the interest of the workers in establishing and maintaining safe conditions of work and procedures; and

(x) to design and conduct either independently or in collaboration with the training department, suitable training and educational programme for the prevention of personal injuries.

26. Safety officer in case of mines.— At every mine, wherein 100 or more persons are ordinarily employed, Safety Officer(s) shall be appointed on a scale of one up to a total manpower of 500 and additional one for every additional 500 manpower or part thereof, who shall hold following qualifications namely :-

(a) in case of coal mine.-

(i) For belowground Mines, Person holding First Class Manager's Certificate of Competency (Coal), granted by Directorate General of Mines Safety;

(ii) For Opencast Mines, Person holding First Class Manager's Certificate of Competency (Coal) or First Class Manager's Certificate of Competency(coal) restricted to mines having opencast workings only, granted by Directorate General of Mines Safety.

(b) In case of Metalliferous Mines

(i) For belowground Mines, person holding Manager's Certificate of Competency (Metal), granted by Directorate General of Mines Safety,

(ii) For Opencast Mines, person holding Manager's Certificate of Competency (Metal) or Manager's Certificate of Competency (Metal) restricted to mines having opencast workings only, granted by Directorate General of Mines Safety.

(c) For oil mines, a degree in engineering or in industrial safety of an educational institution recognised by the Central Government or post-graduate diploma in industrial safety from Central Labour Institute or Regional Labour Institutes and having experience in the management or supervision of operations in oil mines for a period of not less than five years.

27. Duties of safety officer in case of mines.—(1) The duties of the safety officer in case of mines shall be-

(a) to visit surface, aboveground, underground parts of mine, installations of oil mine, with a view to meet the employees on the spot, to talk to them on matters of safety and invite suggestions thereon;

(b) to take charge of the newly recruited staff and show them around the mine pointing out the safe and unsafe acts during the course of their work in the mine;

(c) to investigate all types of accidents and incidents in the mine including minor accidents and analyze the same with a view to pinpoint the nature and common causes of accidents in the mine;

(d) to maintain detailed statistics about mine accidents and to analyze the same with a view to pinpoint the nature and common causes of the accidents in the mine;

(e) to study and apprise the manager referred to in section 67 of the Code, of all possible sources of danger such as inundation, fire, coal dust, blowout in oil mines and others;

(f) to hold safety classes and give safety talks and lectures to the members of the supervisory staff;

(g) to organize safety weeks and other safety education and propaganda programme in mine;

(h) to see that all concerned mine employees are fully conversant with various standing orders, codes of practices, support plan, etc;

(i) to provide assistance in the formulation of programme for training at the mine level, including vocational training, training in gas testing, fire fighting and first aid, etc;

(j) to report to the manager referred to in section 67 of the Code as a result of his visits to the various parts of mine, as to whether the provisions of the code, and the rules and regulations made there under are being complied with in the mine;

(k) to promote safe practices generally and to lend active support to all measures intended for furthering the cause of safety in the mine and follow up measures for compliance.

Chapter-V

Hours of Work and Annual Leave with Wages

28. Daily and weekly working hours under clause (b) of sub-section (1) of Section 25.-

(1) No worker shall be required or allowed to work in an establishment for more than forty eight hours in any week.

(2) the period of work of a worker shall be so arranged that inclusive of his intervals for rest, shall not spread over for more than twelve hours in a day.

(3) the period of works of workers shall not exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of atleast half an hour.

(4) the working hours in a day may be modified subject to sub-rules (1), (2) and (3), so that the total number of working hours in a week shall be so fixed and followed.

29. Interruption period allowed in running time under Explanation (a) of sub-section (1) of Section 25.- A maximum of fifteen minutes interruption shall be allowed any time during which the running of the transport vehicle is interrupted.

30. Working hours of working journalist under sub-section (2) of Section 25.—(1) The provisions under this rule shall apply to working journalist but not apply to editors, or to correspondents, reporters or news photographers.

(2) Notwithstanding anything contained in sub-rule (1) the following provisions shall apply to every correspondent, reporter or news photographer stationed at the place at which the newspaper establishment (in relation to which any such person is employed) is situated, namely:

- (a) Subject to such agreement as may be arrived at either collectively or individually between the parties concerned, every such correspondent, reporter or news photographer shall, once he enters upon duty on any day, be deemed to be on duty throughout that day till he finishes all the work assigned to him during that day:

Provided that if such correspondent, reporter or news photographer has had at his disposal for rest any interval or intervals for a total period of two hours or less between any two or more assignments of work, he shall not be deemed to be on duty during such period:

Provided further that where the total period of such interval or intervals exceeds two hours, he shall be deemed to be on duty during the period which is in excess of the said period of two hours.

- (b) Any period of working in excess of thirty-six hours during any week, which shall be considered as a unit of work for the purposes of this sub-rule, shall be compensated by rest during the succeeding week and shall be given in one or more spells of not less than three hours each:

Provided that where the aggregate of the excess hours worked falls short of three hours, the duration of rest shall be limited only to such excess.

31. Normal working day for working journalist. - The number of hours which shall constitute a normal working day for a working journalist exclusive of the time for meals shall exceed six hours per day in the case of a day shift and five and a half hours per day in the case of a night shift and no working journalist shall ordinarily be required or allowed to work for longer than the number of hours constituting a normal working day.

32. Interval for rest for working journalist. -Subject to such agreement as may be arrived at between a newspaper establishment and working journalists employed in that establishment, the periods of work for working journalist shall be so fixed that no working journalist shall work for more than four hours in the case of a day shift and three hours in the case of a night shift before he had an interval of rest, in the case of the day shift for one hour, and in the case of the night shift for half an hour.

33. Compensation for overtime work. -When a working journalist work for more than six hours on any day in the case of a day shift and more than five and a half-hours in the case of a night shift, he shall, in respect of that overtime work, be compensated in the form of hours of rest equal in number to the hours for which he has worked overtime.

34. Conditions governing night shifts. -No working journalist shall be employed on a night shift continuously for more than one week at a time or for more than one week in any period of fourteen days.

35. Interval preceding change of shift. -In the case of change of shift from night to day shift or vice versa, there shall be an interval of not less than twenty-four consecutive hours between the two shifts and in the case of a change from one day shift to another day shift or from one night shift to another night shift there shall be interval of not less than twelve consecutive hours.

Provided that no such interval may be allowed if such interval either coincides with or falls within, the interval enjoyed by a working journalist under sub-section (2) of Section 25 of the Code.

36. Number of holidays in a year for sales promotion employee or working journalist. -A working journalist or Sales promotion employee shall be entitled to ten holidays in a calendar year.

37. Compensatory holidays for sales promotion employee or working journalist. -If a working journalist or Sales promotion employee is required to attend on a holiday, a compensatory holiday shall be given to him, within thirty days immediately following the holiday, on a day mutually agreed upon by him and his employer.

38. Wages for holidays. - A working journalist or Sales promotion employee shall be entitled to wages on all holidays as if he was on duty.

39. Wages for weekly day of rest. -

A working journalist and Sales promotion shall be entitled to wages for the weekly day of rest as if he was on duty.

40. Competent officers. -Every newspaper establishment may designate one or more officers in that establishment as competent officers for the purposes of rules under this Chapter.

41. Procedure for availing leave by working journalist or sales promotion employee .- (1)A working journalist or sales promotion employee who desire to obtain leave shall apply in writing to the competent officer of the establishment.

(2) Application for leave under sub-rule (1), other than casual leave, leave on medical certificate and quarantine leave, shall be made not less than one month before the date of commencement of leave, except in urgent or unforeseen circumstances.

(3) If leave is refused or postponed, the competent officer of the establishment shall record the reasons for such refusal or postponement, as the case may be, and send a copy of the order to the working journalist or sales promotion employee as the case may be.

(4) Holidays, other than weekly days of rest, shall not be prefixed or suffixed to any leave without the prior sanction of the competent officer of the establishment.

(5) A holiday including a weekly rest day, intervening during any leave granted under these rules, shall form part of the period of leave.

42. Recall a working journalist or sales promotion employee before expiry of leave. -(1) A newspaper establishment may recall a working journalist or sales promotion employee on leave, if that establishment considers it necessary to do so. In the event of such recall, such working journalist or sales promotion employee shall be entitled to traveling allowance, if at the time of recall he is spending his leave at a place other than his headquarters.

(2) The traveling allowance, which shall be paid to a working journalist under sub rule(1) shall be determined in accordance with the rules of the establishment governing traveling allowance for journeys undertaken by the working journalists or sales promotion employee in the course of their duties.

43. Production of medical certificate of fitness before resumption of duty. -A working journalist or sales promotion employee who has availed himself of leave for reasons of health may, before he resumes duty, be required by his employer to produce a medical certificate of fitness from the qualified medical practitioner or medical officer who issued the medical certificate.

44. Designation of Medical Officer. -Every establishment employing working journalist or sales promotion employee may designate one or more qualified medical practitioners in conformance with Section 42 of the Code.

45. Earned leave. -(1) A working journalist or sales promotion employee shall be entitled to earned leave on full wages for a period not less than one month for every eleven months spent on duty.

Provided that he shall cease to earn further such leave when the earned leave due amounts to ninety days.

(2) The period spent on duty shall include the weekly days of rest, holidays, casual leave and quarantine leave.

46. Wages during earned leave. - A working journalist or sales promotion employee on earned leave shall draw wages equal to his average monthly wages earned during the period of twelve complete months spent on duty, or if the period is less than twelve complete months, during the entire such period, immediately preceding the month in which the leave commences.

47. Cash compensation for earned leave not availed of.-(1) When a working journalist or sales promotion employee voluntarily relinquishes his post or retires from service on reaching the age of superannuation, he shall be entitled to cash compensation for earned leave not availed of up to a maximum of thirty days :

Provided that a working journalist or sales promotion employee who has been refused earned leave due to him shall be entitled to get cash compensation for the earned leave so refused:

Provided further that in the case of a working journalist who dies while in service and who has not availed himself of the earned leave due to him immediately preceding the date of his death, his heirs shall be entitled to cash compensation for the leave not so availed of.

(2) When a working journalist's or sales promotion employee's services are terminated for any reason whatsoever, other than as punishment inflicted by way of disciplinary action, he shall be entitled to cash compensation for earned leave not availed of up to a maximum of ninety days.

(3) Such cash compensation shall not be less than the amount of wages due to a working journalist or sales promotion employee for the period of leave not availed of, the relevant wage being that which would have been payable to him had he actually proceeded on leave on the day immediately preceding the occurrence of any of the events specified in sub-rule (1) or (2), as the case may be.

48. Leave on medical certificate. -

(1) A working journalist or sales promotion employee shall be entitled to leave on medical certificate on one-half of the wages at the rate of not less than one month for every eighteen months of service:

Provided that he shall cease to earn such leave when the leave on medical certificate amounts to ninety days.

(2) Such medical certificate shall be from a medical officer:

Provided that when a working journalist has proceeded to a place other than his headquarters with the permission of his employer and falls ill, he may produce a medical certificate from any registered medical officer:

Provided further that the employer may, when the qualified medical practitioner is not in the service of the Government, arrange at his own expense, the medical examination of the working journalist or sales promotion employee concerned by any Medical Officer.

- (3) Leave on medical certificate may be taken in continuation with earned leave provided that the total of duration earned leave and leave on medical certificate taken together shall not exceed a hundred and twenty days at any one time.
- (4) A working journalist or sales promotion employee shall be entitled at his option to convert leave on medical certificate on one-half of the wages to half the amount of leave of full wages.
- (5) The ceiling laid down in the provision to sub-rule (1) and sub-rule (3) on the accumulation and total duration of leave may be relaxed by the competent officer in the cases of working journalists or sales promotion employees suffering from lingering illness such as tuberculosis.
- (6) Leave on medical certificate or converted leave on medical certificate referred to in sub-rules (1) and (4) may be granted to a working journalist at his request notwithstanding that earned leave is due to him.

49. Quarantine leave. -Quarantine leave on full wage shall be granted by the newspaper establishment on the certificate of the authorized medical practitioner designated as such under Section 42, for a period not exceeding twenty-one days or, in exceptional circumstances, thirty-days. Any leave necessary for quarantine purposes in excess of that period shall be adjusted against any other leave that may be due to the working journalist or sales promotion employee.

50. Extraordinary leave.-A working journalist or sales promotion employee who has no leave to his credit may be granted extraordinary leave without wages at the discretion of the newspaper establishment in which such working journalist or sales promotion employee is employed.

51. Leave not due.-A working journalist or sales promotion employee who has no leave to his credit may be granted at the discretion of the newspaper establishment in which such working journalist is employed.

52. Study leave. -A working journalist or sales promotion employee may be granted study leave with or without wages at the discretion of the newspaper establishment in which such working journalist or sales promotion employee is employed.

53. Casual leave. -(1) **A working journalist or sales promotion employee shall be eligible for casual leave at the discretion of the newspaper establishment for fifteen days in a calendar year:**

Provided that no more than five day's casual leave shall be taken at any one time and such leave shall not be combined with any other leave.

(2) Casual leave not availed of during a calendar year will not be carried forward to the following year.

54. Weekly day of rest under sub-section (2) of Section 26.

(1) For the purpose of section 26, there shall be posted up in a conspicuous place outside the office of every establishment a notice showing the weekly day of rest. Where the weekly day of rest is not the same day for all persons employed in the establishment, the notice shall show the day of rest allowed to each relay, or set of persons or individual.

55. Compensatory holidays.-(1) Except in the case of worker engaged in any work which for technical reasons must be carried on continuously throughout the day, the compensatory holidays to be allowed under sub-section (3) of section 26 of the Code shall be so spaced that not more than two compensatory holidays are given in one week.

(2) The manager of the establishment shall display, on or before the end of the month in which holidays are lost, a notice in respect of workers allowed compensatory holidays during the following month and of the dates thereof, at the place at which the notice of periods of works prescribed under section 26 is displayed. Any subsequent change in the notice in respect of any compensatory holiday shall be made not less than three days in advance of the date of that holiday.

(3) Any compensatory holiday or holidays to which a worker is entitled shall be given to him before he is discharged or dismissed and shall not be reckoned as part of any period of notice required to be given before discharge or dismissal.

56. Extra Wages for overtime under Section 27.-(1) In pursuance of Section 27 of Code, where in an establishment a worker works for more than eight hours in any day or for more than forty-eight hours in any week, as the case may be, he shall in respect of such overtime work be entitled to wages at the rate of twice his ordinary rate of wages and shall be paid at the end of each wage period.

(2) In calculating overtime on any day, a fraction of an hour between 15 to 30 minutes shall be counted as 30 minutes and in case of more than 30 minutes it shall be rounded and shall be counted as an hour on actual basis.

(3) In calculating the wages or earnings in the case of a worker paid by the month, the daily wages shall be 1/26th of his monthly wages; and in the case of any other worker it shall be the daily wages or earnings as the case may be.

(4) the spread over for the workers shall exceed twelve hours in any one day under the following works and circumstances in factories, dock works, mines and building or other construction, namely;

- (a) urgent repairs;
- (b) work in the nature of preparatory or complimentary work;
- (c) work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest;
- (d) work which for technical reasons must be carried on continuously;
- (e) engaged in making or supplying articles of prime necessity which must be made or supplied every day,
- (f) engaged in a process which cannot be carried on except during fixed seasons;
- (g) engaged in a process which cannot be carried on except at times dependent on the irregular action of natural forces;
- (h) engaged in an engine-rooms or boiler-houses or in attending to power-plant or transmission machinery;
- (i) engaged in process on account of the break-down of machinery;
- (j) engaged in the loading or unloading of railway wagons or lorries or trucks;
- (k) exceptional press of work and
- (l) engaged in any work, which is notified by the Central Government in the Official Gazette as a work of national importance;

Provided that no worker shall be allowed to work overtime exceeding one hundred twenty five hours in any quarter of a year.

Chapter-VI-

Maintenance of Registers, Records and Returns:

57. Notice of periods of work under sub-section (2) of Section 31.- (1)The notice referred to in sub-section (2) of section 31 shall be displayed at conspicuous places on a notice board or electronic board and maintained in **Form-VII** and copy of such notice shall be sent to Inspector-cum-facilitator electronically or by registered post.

58. Maintenance and production of reports, registers and other records under Section 33.- Every employer shall-

- (a) maintain register of workers, wages, overtime, fine, deduction for damage or loss in **Form-VIII** electronically and shall be kept available at an office or the nearest convenient building within the precincts of the establishment;
- (b) in case of manual registers and other records, be legibly entered in ink in English and Hindi or the language understood by a majority of the persons employed;
- (c) be preserved in original for a period of one calendar year after the date of the last report or entry;

Provided that when the original record is lost or destroyed before the expiry of one year period, true copies thereof, if available, shall be preserved for the prescribed period;

- (d) be produced, electronically or by registered post, on demand before the Chief Inspector-cum-facilitator or an Inspector-cum-facilitator or any person authorized in that behalf of the Central Government.

59. Display of notice board.-Every employer shall cause to display at the conspicuous place of the workplace of the establishment under his control, notice showing the name and address of the establishment, hours of work, wage period, date of payment of such wages, details of accident and dangerous occurrence in the establishment for the last five years, name and address of the Inspector-cum-facilitator having jurisdiction to such establishment and date of payment of unpaid wages to such workers in English, Hindi and in the Local Language understood by the majority of the workers.

60. Return.- Every employer of an establishment shall send annually a return relating to such establishment in duplicate in **Form-IX** to the Inspector-cum-facilitator having jurisdiction so as to reach him not later than 1st February following the end of each calendar year with a copy to Director General, Labour Bureau electronically.

61. Register of accident and dangerous occurrences.— The registers of accident and dangerous occurrences required by sub-clause (v) of clause (a) of section 33 of the Code shall be maintained in a **Form-X**.

62. Register of leave with wages under clause (a) of section 33.-

(1) The owner, agent or manager of every establishment shall maintain in respect of every employee thereof a record of leave with wages electronically or manually in **Form-XI**.

(2) The register mentioned in sub-rule (1) shall be preserved for a period of two years after the last entry in them has been made and shall not be destroyed even after the expiry of that period unless it has been properly transferred to the new register.

Chapter-VII

Inspector-cum-facilitator and Other Authority

63. Power to take samples of any articles or substances under clause (x) of sub-section (1) of section 35.-

(1) An Inspector-cum-facilitator shall take samples or substances in an establishment as per the inspection scheme mandated under the Shram Suvidha Portal of the Ministry of Labour and Employment after informing the employer of the establishment, taken in the manner hereinafter provided a sufficient sample of any substance used or intended to be used in the establishment, such use being—

(a) in the belief of the Inspector-cum-Facilitator in contravention of any of the provisions of this code or the rules made thereunder, or

(b) in the opinion of the Inspector-cum-Facilitator likely to cause bodily injury to, or injury to the health of employee in the establishment.

(2) Where the Inspector-cum-facilitator takes a sample under sub-rule (1), he shall, in the presence of the person informed under that sub-section unless such person willfully absents himself, divide the sample into three portions and effectively seal and suitably mark them, and shall permit such person to add his own seal and mark thereto.

(3) The person informed as aforesaid shall, if the Inspector-cum-facilitator so requires, provide the appliance for dividing, sealing and marking the sample taken under this section.

(4) The Inspector-cum-facilitator shall—

(a) forthwith give one portion of the sample to the person informed under sub-rule (1);

(b) forthwith send the second portion to a Government Analyst or National Accreditation Board for Testing and Calibration Laboratories (NABL) for analysis and report thereon;

(c) retain the third portion for production to the Court before which proceedings, if any, are instituted in respect of the substance.

(5) Any document purporting to be a report under the hand of any Government Analyst or NABL accredited laboratory upon any substance submitted to him for analysis and report under this section, may be used as evidence in any proceeding instituted in respect of the substance.

64. Powers and duties of Inspector-cum-facilitator under clause (xiv) of sub-section (1) of Section 35.-

(1) Inspector-cum-Facilitator shall, after every inspection, as may be deemed necessary, issue prohibition or improvement notice in the **Form-XII** pointing out the non-compliance of provisions of safety, health and working conditions under the Code, and rules and regulations framed thereunder, to the employer or occupier or owner or master or officer-in-charge of the ship or their agent.

(2) An Inspector-cum-Facilitator shall, at each inspection, ascertain to what extent any shortcomings notified at a previous inspection have been rectified and the notices previously issued have been complied with. His findings and any shortcomings which may come to light during the inspection, together with any order passed by him under the Code or the regulations made thereunder shall be recorded and maintained.

65. Appointment of Medical officer under sub-section (1) of Section 42.-The Medical Officer shall be a medical practitioner who possesses any recognised medical qualification as defined in the National Medical Commission Act, 2019(30 OF 2019) and who is enrolled on a Indian Medical Register as defined in clause (e) and on a State Medical Register as defined in clause (l) of section 35, 36, 37 and 40 of the Act.

66. Duties of Medical Officer under sub-section (2) of Section 42.-(1) On receipt of a reference under clause (c) sub section (2) of section 42 of the code, the Medical Officer shall, after giving prior notice regarding date, time and place

for medical examination and upon examining the person sent for such examination, prepare the age and fitness certificate and deliver the same to the manager of the establishment concerned after retaining a copy thereof.

(2) The medical officer may seek opinion of specialists like radiologist, dentist and orthopaedic surgeon as the case may be, for the purpose of determination of age.

(3) Medical Officer shall carry out such examination and furnish such report as central government may direct:

- (a) for examination and certification of workers in an establishment in such dangerous occupation or processes as specified in First Schedule to the Code;
- (b) for medical supervision of any establishment or class of establishment where cases of chronic occupational illness have occurred due to arduous nature of any process carried on or hazardous condition of work;
- (c) in respect of any establishment or class of establishment or description of establishment in which operations involve any risk of injury to the health of any person or class of persons employed therein;
- (d) to undertake occupational health survey for any or class of an establishment, where cases of illness have occurred or there is prevalence of diseases as prescribed in Third Schedule of the code.
- (e) to assess the age and issue fitness of adolescent for employment in an establishment or class of establishment.

67. Employment of Women in establishment under Section 43.- (1) The following conditions shall be met for employment of women during night or before 6.00 a.m. and beyond 7.00 p.m in any day, namely:-

- (a) the consent of women employ shall be taken;
- (b) No women shall be employed against the maternity benefit provisions laid down under the Social Security Code, 2020 (36 f 2020);
- (c) adequate transportation facilities shall be provided to women employee to pick-up and drop such employee at her residence;
- (d) the workplace including passage towards conveniences or facilities concerning toilet, washrooms, drinking water, entry and exit of women employee should be well-lit;
- (e) the toilet, washroom and drinking facilities should be near the workplace where such women employee are employed; and
- (f) Provide safe, secure and healthy working condition such that no women employee is disadvantaged in connection with her employment.
- (g) in case of below ground mine not less than 3 women employees shall be on duty at any place.
- (h) The provisions of the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), as applicable to the establishments, shall be complied with.

68. Adequate Safety of employment of women in dangerous operations under Section 44.-The central government may declare by notification the class of establishments and the scheme, and standards for safeguarding of women in hazardous and dangerous processes.

Chapter-VIII

Contract Labour

69. Qualification and Criteria of the Contractor under sub-section (1) of Section 47.-For the purposes of obtaining license, the contractor as an entity or as an individual should not be an un-discharged insolvent or convicted any time during the last two years of an offence which is criminal in nature involving offences which are liable for punishment for more than three months of imprisonment.

70. Conditions of License under sub-section (3) of section 47.- (1).The contractor shall ensure that:

- (a) the hours of work shall conform to the rules made under Section 25 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020).
- (b) the wages shall be paid in accordance with the Code on Wages, 2019 (29 of 2020).
- (c) if the contract worker of the contractor is working at the premises of the principal employer then it shall be the responsibility of the principal employer to provide the facilities or amenities such as toilet, washroom, drinking water, bathing facilities if required, changing room, first aid box, Canteen and Crèche and
- (d) all other facilities and entitlements shall be provided by the contractor.

- (e) in case the contractor fails to make payment of minimum wages to the contract worker, then the Chief Labour Commissioner (Central) or his representative, who shall cause such payment to be made to the contract workers who have not been paid out of the security deposit maintained under rule 76 including by invoking the bank guarantee; and
- (f) he shall intimate within fifteen days of the receipt of a contract work order about the details the contract work order and in the manner as under rule 78.

71. Form and manner of application for contractor license under of sub-section (1) of Section 48.—Every application by a contractor for the grant of a license shall be made on-line electronically through Shram Suvidha Portal of the Ministry of Labour and Employment in **Form-XIII** to the licensing authority.

72. Single Licence for Contractor in more than one States or for whole of India under -(1) If a contractor desirous of obtaining licence for:-

- (i) supplying or engaging contract labour or
- (ii) undertaking or executing the contract works under sub-section (1) or sub-section (2) of section 47 in more than one States or for the whole of India, then he shall apply electronically on the Shram Suvidha portal of Ministry of Labour and Employment in **Form-XIII** to the licensing authority as notified by the central government :-
- (2) Application for single licence shall be submitted electronically to the authority notified in this behalf under sub-section (1) of section 119 of this code.
- (3) The concerned State government shall be consulted electronically. If no response is received within thirty days from the date of issue of such communication the consultation process is deemed to have been complied with.
- (4) License issued under this rule shall be valid for five years.
- (5) Copy or copies of the licence so issued shall be sent to the State Government in whose jurisdiction, the contract work or works for which licence is issued, falls.

73. Forms, terms and conditions of license.— (1) Every license granted shall be in **Form-XIV**.

(2) Every license granted or renewed is subject to the following conditions, namely:—

- (i) the license shall be non-transferable;
- (ii) the number of workers employed as contract labour by the contractor shall not, on any day, exceed the maximum number specified in the license;
- (iii) save as provided in these rules, the fees paid for the grant, or as the case may be, for renewal of the license shall be non-refundable;
- (iv) the rates of wages payable to the workers by the contractor shall not be less than the rates prescribed under the Code on Wages, 2019 and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed.

74. Procedure for issue of license under sub-section (2) of section 48.— (1) Before a license is issued under any rule of these rules, bank guarantee for an amount calculated at the rate of Rupees 1000 for each of the worker to be employed as contract labour, in respect of which the application for license has been made, shall be deposited by the contractor for performance of the conditions of the license and compliance with the provisions of the Code or the rules made thereunder.

(2) Wherein the issued contract license had expired, based on the request of the applicant in Form, the licensing officer may adjust the security deposit in respect of his application for new license.

(3) The fees to be paid for the grant of a license shall be as specified in the table below, namely;

(a)	No license is required up to 49 contract labour	Nil.
(b)	50 but does not exceed 100 contract labour	Rs. 1000
(c)	101 but does not exceed 300 contract labour	Rs. 2000
(d)	301 but does not exceed 500 contract labour	Rs. 3000
(e)	501 but not exceeding 1000 contract labour	Rs. 5000
(f)	1001 but not exceeding 5000 contract labour	Rs. 10000
(g)	5001 but not exceeding 10000 contract labour	Rs 20000
(h)	10001 but not exceeding 20000 contract labour	Rs 30000
(i)	20001 and above contract labour	Rs.40000

75. Renewal of license under Section 48.-(1) Every contractor shall apply electronically on the Shram Suvidha portal of the Ministry of Labour & Employment to the licensing authority for renewal of the license.

(2) Every such application shall be submitted on the said portal at least 30 days prior to expiry of license period but not before 90 days of such expiry of license.

(3) The security deposit and the fee chargeable for renewal of the license shall be the same as for the grant of license under rule 74.

Provided that if the application for renewal is not received within the time specified in sub-rule (2), an additional fee of twenty five per cent, shall be payable for such renewal.

(4) It shall be the responsibility of the authority concerned to renew license within 30 days.

76. Refund of security deposit .-(1) On expiry of the period of license the contractor may, if he does not intend to have his license renewed further, make an application electronically to the licensing authority for the refund of the security deposited by him(in form of bank guarantee) along with copy of licence and notice of completion of work and bank details in which amount is required to be refunded.

(2) If the Licensing authority is satisfied that there is no breach of the conditions of license or there is no order for the forfeiture of security deposit or any portion thereof, he shall direct the refund of the security deposit to the applicant.

(3) If there is any order directing the forfeiture of any portion of contractor's security deposit, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, shall be refunded to the contractor.

(4) Any application for refund shall, as far as possible, be disposed of within 30days of the receipt of the application.

77. Responsibility of contractor under sub-section (4) of Section 48.-(1) The rates of wages payable to the workers by the contractor shall not be less than the rates prescribed under the Code on Wages, 2019 (...of 2019) and where the rates have been fixed by agreement, settlement or award, not less than the rates fixed.

(2) In case where the worker employed by the contractor perform the same or similar kind of work as the worker directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workers of the contractor shall be the same as applicable to the workers directly employed by the principal employer of the establishment on the same or similar kind of work. In case of any dispute whether the work is of similar kind, the matter be referred to the Inspector-Cum Facilitator whose decision shall be final.

(3)In other cases the wage rates, holidays, hours of work and conditions of service of the workers of the contractor shall be such as specified under the Code and rules made thereunder.

(4)All contract labour shall be made member of EPFO and ESIC subject to applicability as under respective provisions of the Code on Social Security, 2020.

(5)The contractor shall notify any change in the number of workers or conditions of work to the Licensing Authority, electronically.

78. Intimation of work order and time limit for intimation under section 50.-(1) Every contractor shall within fifteen days of the receipt of a contract work order shall intimate about the contract work order containing the details such as the name of the principal employer, address of the premises where work is being undertaken, date of commencement of the contract work, the number of contract labour employed under that work order, duration of work orders.

(2) the details of work order shall be sent by the contractor or his authorized representative.

(3) The intimation shall be sent electronically on the Shram Suvidha portal or e-mail of the Chief Labour Commissioner or his representative as may be notified on the website of Chief Labour Commissioner (Central).

79. Revocation or suspension of license under section 51.-(1)

- (1) If the Licensing Authority is satisfied that the licence has been obtained by mis-representation or suppression of any material fact or if the contractor has failed to comply with the conditions subject to which licence was granted or the contractor has contravened any provision of the Part-I, Chapter-XI of the Code or rules made thereunder, the Licensing Authority shall issue a show cause notice of 15 days to the contractor electronically. On receipt of the reply if any, from the contractor within 15 days, the Licensing Authority shall examine the same and in case the licensing authority feels that the continuation of contract business by the contractor is going to lead to grave harm to the workers, he may pass a Speaking Order recording the reasons for revocation or suspension or otherwise and communicate to the contractor electronically. A copy of the Order shall be endorsed to the Chief Labour Commissioner (C), Labour Enforcement Officer (C) and concerned State Authorities.

- (2) If the contractor has complied with the said provisions of the code and rules made thereunder within the stipulated time period, the Licensing Authority shall revoke the suspension giving a Speaking Order or else the suspension may be continued.
- (3) If the contractor fails to comply with the directions as in sub-rule (1), the Licensing Authority may forthwith pass an order of revocation of license, recording the reasons thereof and communicate to the contractor electronically. The copy of the order shall be endorsed electronically to Chief Labour Commissioner (C), Labour Enforcement Officer (C) and the concerned State Authority.

80. Appeal under sub-section (1) of section 52: The appellate authority under sub-section (1) of section 52 of the Code shall be Chief Labour Commissioner (Central).

81. Responsibility of Payment of wages under Section 55.- (1) The contractor shall fix the wage periods in respect of which wages shall be payable and no wage period shall exceed one month.

- (1) The wages of every person employed as contract labour in an establishment or by a contractor shall be paid before the expiry of seventh day after the last day of the wage period in respect of which the wages are payable.

(3) The wages shall be disbursed through bank transfer or electronic mode only.

82. Making payment of wages from the security deposit amount under sub-section (4) of section 55 .-

If the contractor or principal employer does not pay the wages to the contract labour employed by him, the Chief Labour Commissioner (Central) or his representative or the competent officer as may be notified shall conduct or cause to conduct, an inquiry and after giving an opportunity to be heard to the contractor shall pass an order to make payment if any, of such wages from the amount deposited by the contractor as security deposit. The contractor shall re-furnish the security deposit within a period of fifteen days or else his license will be liable to be suspended.

83. Experience Certificate under section 56.- Every concerned contractor shall issue on demand, experience certificate in **Form-XV** to the contract labour giving details of the period, work performed, experience gained in various fields performed by such contract labour.

84. Prohibition of employment of contract labour under clause (b) of sub-section (2) of section 57.-

If a question arises as to whether any activity of an establishment is a core activity or otherwise, the aggrieved party may make an application, to the Joint Secretary Government of India, Ministry of Labour and Employment giving reasons along with supporting documents.

CHAPTER-IX

INTER-STATE MIGRANT WORKER

85. Journey allowance to Inter-State Migrant Worker under Section 61.- The employer shall pay a lump sum amount on account of fare for to & fro journey to inter-state migrant worker by train (not less than II Class Sleeper) or by bus or any other mode of passenger transport from the place of employment to the place of residence in the home-state in the event of the following, namely:

if he has worked for a period of not less than 180 days in the concerned establishment(s) in preceding twelve months;

Provided that the journey allowance shall be given to an inter-state migrant worker once in twelve months. In the event of change of employer by the inter-state migrant worker during the middle of the employment period and has not availed the journey allowance from his previous employer, then on the basis of a certificate to be given by inter-state migrant worker, the employer where the inter-state migrant worker is now working and the such worker has completed one hundred and eighty days in preceding twelve months including the period spent with the previous employer, then the employer shall give journey allowance.

86. Setting up of a Toll Free helpline number to the inter-state migrant worker under Section 63.- A Toll-Free help-line number shall be provided by Ministry of Labour and Employment, to address queries and grievances of the inter-state migrant workers.

87. Study of inter-state migrant workers under Section 64.- The Central Government may identify the studies to be carried out to promote safety, health and welfare of inter-state migrant workers. Wherever required the Central Government may also consult the State Government or expert organizations involved in the safety, health and welfare of inter-state migrant workers.

CHAPTER-X

AUDIO- VISUAL WORKER

88. Agreement for audio-visual worker under clause (a) of sub-section (2) of section 66.- (1) The Form of agreement for the audio-visual workers with the producer is given in **Form-XVI**.

(2) The agreement shall be registered with the competent authority as may be notified by the Central Government.

89. Procedure for reference of disputes to a Conciliation Officer or a Tribunal under sub-section (1) section 66.-The procedure for reference of dispute to a conciliation officer or a tribunal shall be in conformity with the Industrial Relation, Code 2020 and Rules framed thereunder.

CHAPTER-XI

MINES

90. Qualification and appointment of manager under sub-section (1) of section 67.-No mine shall be opened, re-opened or worked unless it has a duly appointed manager, who has the following qualifications:

Type of mine	Average material handled/output/production of the mine	Essential Qualification for the manager
Underground Coal Mines	(a) Production in excess of 2,500 tonnes per month.	A First Class Manager's Certificate of competency (Coal).
	(b) Production not exceeding 2,500 tonnes per month.	A First Class Manager's Certificate (Coal) or Second Class Manager's Certificate of competency (Coal).
Opencast Coal Mines:	(a) In excess of 20,000 cubic metre per month of material handled	A First Class Manager's Certificate of competency (Coal) or a First Class Manager's Certificate of competency restricted to mines having opencast workings only (Coal) .
	(b) Not exceeding 20,000 cubic metre material handled per month	A First Class Manager's Certificate of competency (Coal) or a First Class Manager's Certificate of competency restricted to mines having opencast workings only (Coal) or Second Class Manager's Certificate of competency (Coal) or Second Class Manager's Certificate of competency restricted to mines having opencast workings only (Coal).
Underground Metalliferous mines:	(a) Average output in excess of 1,250 tonnes.	A First Class Manager's Certificate of competency (Metal).
	(b) Average output not exceeding 1,250 tonnes.	A First Class Manager's Certificate of competency (Metal) or Second Class Manager's Certificate of competency (Metal).
Opencast Metalliferous mines:	(a) Average monthly material handled in excess of 20,000 cubic meter.	A First Class Manager's Certificate of competency (Metal) or a First Class Manager's Certificate of competency restricted to mines having opencast workings only (Metal).
	(b) Average monthly material handled not exceeding 20,000 cubic meter.	A First Class Manager's Certificate of competency (Metal) or a First Class Manager's Certificate of competency restricted to mines having opencast workings only (Metal) or Second Class Manager's Certificate of competency (Metal) or Second Class Manager's Certificate of competency restricted to mines having opencast workings only (Metal).
Mine having both opencast and underground workings	All coal and metal mines	First Class Manager's Certificate of competency (Coal or Metal as the case may be)
Oil Mines	All Oil Mines	A degree or diploma in engineering or post-graduation in physics or geophysics or geology or chemistry of an educational institution recognised by the Central Government and has experience in the management and supervision of operations in oil mines for a period of not less than fifteen years in case of diploma in engineering and ten years in other cases.

91. Code not to apply in certain mines under section 68.—The provision of the code, except those contained in section 35, 38, 40, 41 and 44 shall not apply to –

(i) any mine or part thereof in which excavation is being made for prospecting purposes only and not for the purpose of obtaining minerals for use and sale:

Provided that –

- (a) not more than twenty persons are employed on any one day in connection with any such excavation;
- (b) the depth of the excavation measured from its highest to its lowest point nowhere exceeds six meters or, in the cases of an excavation in coal, fifteen meters; and
- (c) no part of such excavation extends below superjacent ground; or

(ii) any mine engaged in the extraction of kankar, murram, laterite, boulder, gravel, shingle, ordinary sand (excluding moulding sand, glass sand and other mineral sands), ordinary clay (excluding kaolin, china clay, white clay or fire clay), building stone, slate, road metal, earth, fullers earth, marl, chalk and limestone:

Provided that-

- (a) the working do not extend below superjacent ground; or
- (b) where it is an opencast workings-
 - (i) the depth of the excavation measured from its highest to its lowest point nowhere exceeds six meters;
 - (ii) the number of persons employed on any one day does not exceed fifty; and
 - (iii) explosives are not used in connection with the excavation.

(2) As soon as an establishment becomes a mine, the employer of the mine shall give notice electronically to the Inspector cum facilitator within seven days from the date it becomes a mine.

(3) Notwithstanding anything contained in sub Rule (1) and (2), the Central Government may by an order in writing requires all provisions of the Code shall be applicable, in such mine or part thereof subject to such conditions as he may specify therein.

92. Initial and periodical medical examinations under sub-section (3) of section 70:

(1) the owner, agent or manager of every mine shall make arrangements for –

- (a) Initial medical examination of every person seeking employment in a mine.
- (b) Periodical medical examination of every person employed in a mine annually.

(2) The periodical medical examination or the X- Ray examination or both, shall be conducted at more frequent intervals if the medical examining authority deems it necessary to confirm a suspected case of a dust related disease.

93. Examining authorities.—

(1) The medical examination aforesaid shall be carried out by a qualified medical practitioner in the employment of the owner of the mine or duly assigned for this purpose by the owners of group of mines, or by any Government medical officer.

(2) The examining authority shall be trained in Occupational Health course including ILO Classification of chest Radiograph duly recognized by the central government.

94. Notice of medical examination.— (1) In respect of initial medical examination the owner, agent or manager shall give at least seven days' prior notice in writing to the person to be examined, in Form to be notified by the Chief Inspector cum Facilitator. A copy of every such notice issued shall be sent by the owner, agent or manager to the examining authority.

(2) In respect of periodical medical examination the manager shall give at least twenty days prior notice in writing to the person to be examined, in Form to be notified by the Chief Inspector cum Facilitator. A copy of every such notice issued shall be sent by the owner, agent or manager to the examining authority along with previous medical certificates issued, pertaining to the persons concerned.

(3) A person, who for any reasonable cause, fails to submit himself for the medical examination in accordance with the notice issued to him, shall be given a second notice of a minimum period of ten days in Form to be notified by the Chief cum Facilitator, by the manager and a copy of every such notice shall be sent by the manager to the examining authority.

(4) The examining authority shall inform the manager whether the person concerned has appeared for medical examination or not within one week.

95. Failure to undergo medical examination.— A person who without reasonable cause, fails to submit himself for medical examination in accordance with the notice issued to him shall be liable to be discharged from service;

Provided that a person who renders himself so liable to be discharged for failure to submit himself for medical examination shall be required to show cause why he could not comply with the notice within the time specified therein. If his explanation is found satisfactory by the management; he shall be given another chance to appear for medical examination. In case his explanation is not found satisfactory by the management, his service shall be terminated by the management;

96. Standard and report of medical examination.—(1) The examining authority holding initial medical examination shall examine a person according to the standards laid down in Form to be notified by the Chief Inspector cum Facilitator.

(2) The examining authority holding periodical medical examination shall examine a person according to the standard laid down in Form to be notified by the Chief Inspector cum Facilitator.

(3) As soon as may be, after examinations, copy of the medical certificate in Form to be notified by the Chief Inspector cum Facilitator, shall be issued by the examining authority to the person concerned electronically or by Registered post or delivered under receipt and another copy sent to the owner, agent or manager of the mine concerned electronically or by Registered post or delivered under receipt.

(4) The examining authority shall retain the third copy of the medical certificate in physical and in electronic format.

(5) In the case of periodical medical examination of person, the examining authority shall also send the copy of previous medical certificates of the person concerned, back to the manager of the mine concerned.

97. Retention and transfer of medical certificates.—(1) All medical certificates including all medical examination records with medical history and job details to depict the occupational dust exposure profile of persons employed or to be employed in a mine shall be retained in the possession of the manager of the mine so long as the person is employed in the mine and for a period of five years thereafter:

Provided that the manager of a mine where such person is or was employed shall, if so requested by the manager of any other mine where the person is to be employed, send to him all medical certificates with respect to such person.

(2) If the examining authority who conducts medical examination of persons employed or to be employed in any mine is relieved of his duties regarding medical examination, the medical practitioner shall transfer all records of medical examination in his possession to the manager of the mine concerned.

98. Identity of candidates.—The examining authority, shall record the Aadhar number and signature of every candidate appearing before it for medical examination on the copies of the medical certificate.

99. Medical Examination of women — A woman employee shall preferably be examined by a female medical practitioner. In case a female qualified medical practitioner is not available, the woman employee shall be medically examined by a male qualified medical practitioner only in the presence of another woman.

100. Appeal for re-examination.—(1) Where as a result of an initial medical examination, or of periodical medical examination, a person has been declared unfit for employment in mines or in particular category of mines or in any specified operations in mine, he may, within thirty days of the receipt by him of a copy of the certificate, file an appeal with the owner, agent or manager in case of Initial Medical Examination and the manager of the mine in case of Periodical Medical Examination, against the declaration aforesaid, and request for a medical re-examination by an Appellate Medical Board.

(2) (a) the owner, agent or manager in case of initial medical examination and manager of the mine in case of periodical medical examination shall forward the appeal to the convener of the appellate medical board within fifteen days of the receipt of the Appeal.

(b) The convener of the appellate medical board shall give at least fifteen days prior notice to the owner, agent or manager and also the appellant, of the medical re-examination.

(c) A person, who for any reasonable cause, fails to submit himself for a medical re-examination shall be given another notice at least seven days in advance.

(3) In respect of every medical re-examination by the appellate medical board, the appellant shall pay such fees and the medical examination shall be conducted in such manner as may be determined by the appellate medical board. In case the appellate medical board finds him fit for employment in mines, the fees shall be reimbursed in full to the appellant by the owner of the mine where he is employed.

101. Constitution of Appellate Medical Board.—For the purpose of medical re-examination on appeal, the Appellate Medical Board shall be constituted in the following manner, namely;

(1) An Inspector cum Facilitator (Occupational Health), who shall also act as the Convener of the Board.

(2) Two Qualified medical practitioners duly qualified in allopathic system of medicine and in the employment of the State or Central Government or in a Government Undertaking, as nominated by the Chief Inspector cum Facilitator.

Provided that, the Convener can co-opt any specialist doctor if the Appellate medical board is of the opinion that such specialist is required to be consulted for specific issues.

102. Standard and report of medical re-examination by the Appellate Medical Board.— (1) The Appellate Medical Board shall medically examine the appellant -

- (a) in accordance with the standard laid down in the Form as notified by Chief Inspector Cum Facilitator for initial medical examination.
- (b) in accordance with the standard laid down in the Form as notified by Chief Inspector Cum Facilitator for periodical medical examination;

(2) The certificate of medical re-examination in the Form to be notified by the Chief Inspector cum Facilitator, shall be issued to -

- (a) the manager of the mine, in case of periodical medical examination;
- (b) the owner, agent or manager in case of initial medical examination;
- (c) the appellant;

(3) a copy of the medical certificate shall be retained with the Convenor;

103. Unfit persons not to be employed.—(1) Where, as a result of an initial medical examination or a periodical medical examination, a person has been declared unfit for employment in mines or in a particular category of mines or in any specified operations in mine, the person, shall not be employed or continue to be employed in mine or in the category of mines or on the operations specified, after the expiry of thirty days from the date of his medical examination unless he has filed an appeal against the declaration.

(2) Where the person concerned has filed an appeal, but has been declared by the Appellate Medical Board, after a medical re-examination, to be unfit for employment in mines or in a particular category of mines or on any specified operations in mines, he shall not be employed or continue to be employed in mine or in the category of mines or on the operations specified, after the expiry of thirty days from the date of his medical re-examination by the Appellate Medical Board:

Provided that, if the qualified medical practitioner carrying out the initial medical examination, or the periodical medical examination, the Appellate Medical Board carrying out the medical re-examination of persons already in employment is of the opinion that the disability of the person examined is of such a nature and degree that it will not seriously affect or interfere with the normal discharge of his duties, it may recommend his continuation in employment in the mine for a period not exceeding six months, during which such person may get his disability cured or controlled and submit himself for another medical examination and be declared fit.

104. Cost of medical examination.—The full cost of every medical examination under these rules, shall be borne by the owner of the mine concerned except in case the person is declared unfit for employment in mines after re-examination by Appellate Medical Board.

105. Exemptions from hours and limitation of employment under Section 25.-

(1) For the purpose of Section 71 of the Code, the following persons shall be exempted from the provisions of sub-section (1) of section 25, sub-section (1) of section 26, section 30 and sub-section (1) of section 31 of the code, namely.-

- (a) Person holding position of supervision or management etc, employed in a confidential capacity;
- (b) manager, deputy manager, installation manager, fire officer, under manager, underground manager, assistant manager, ventilation officer, Safety officer, Information Technology, Instrumentation & Communication Officials;
- (c) mining, electrical and mechanical engineer;
- (d) overman, foreman, sirdar, mate and supervisor in oil mines;
- (e) mechanical and electrical foreman and electrical supervisor;
- (f) surveyor and assistant surveyor;
- (g) qualified medical practitioner, dresser, compounder, chemist, assayer, metallurgist and welfare or personnel officer; and

- (h) any other person who in the opinion of the Chief Inspector cum Facilitator holds a position of supervision or management.

106. Establishment and location of rescue station under section 72:(1) The Chief Inspector cum Facilitator may permit or require the owner of a below ground mine or a group of below ground mines to establish and maintain rescue station, stations with such designs and specifications and at; such place/ places as may be considered necessary in consultation with the owner: Provided that where there are below ground mines belonging to more than one owner, the Chief Inspector cum Facilitator may permit or require two or more owners to jointly establish a common rescue station: Provided further that all the existing rescue stations as on the date of ;coming into force of these rule, shall continue to function for a period of three years from that date.

(2) At every rescue station there shall be appointed one Superintendent and at least two instructors and also, there shall be maintained a rescue brigade of not less than eighteen rescue trained persons.

(3) In case where the absence of the Superintendent at a rescue station exceeds 60 days, the owner shall appoint another Superintendent.

(4)The owner shall, on the same day of assumption or relinquishment of charge by the Superintendent, inform the Chief Inspector cum Facilitator and the Inspector cum Facilitator of the region where the mine is situated.

107. Functions of rescue stations.- The functions of rescue station shall include:-

- (i) imparting initial training in rescue and recovery work;
- (ii) imparting refresher training to rescue trained persons;
- (iii) providing support by its own rescue teams and equipment in case of major accidents or long lasting rescue and recovery operations; and
- (iv) carrying out the functions of rescue room in respect of these below ground mines where there is no rescue room.

108. Establishment and location of rescue rooms.- (1) At every below ground mine where, more than 100 persons are ordinarily employed below ground and there is no rescue station within its radius of 35 kms, the owner, shall establish and maintain on surface close to mine entrance a rescue room:

Provided that it may be sufficient to provide one rescue room for a number of mines belonging to the same owner where:-

- (a) the total number of persons ordinarily employed in below ground workings of all such mines does not exceed 5000; and
- (b) The mines are situated within radius of 35 kms from and connected by road with the rescue room :

Provided further that the Chief Inspector cum Facilitator may permit the owner of a group of mines having the total number of persons ordinarily employed below ground in excess of 5000, to use the rescue room as a rescue station excepting the functions of imparting initial training in rescue work, if such rescue room is .-

- (i) equipped with requisite additional rescue apparatus including at least 15 extra sets of two hour self- contained breathing apparatus; and
- (ii) placed under the charge of a person holding the qualifications, experience etc., of Instructors and minimum of five rescue trained persons of whom at least one shall hold the Qualifications, experience etc. of rescue room in-charge are posted thereat.

(2) At each rescue room, there shall be appointed such number of rescue trained persons as may be necessary and one of them possessing the Qualifications, experience etc. of rescue room in-charge shall be made in-charge of the rescue room. At least one rescue trained person shall always be in attendance at the rescue room.

109. Functions of rescue room.- A rescue room shall provide facilities for the storage, assembly, testing and adjustments of breathing apparatus and other rescue equipment and apparatus and for their speedy transport to mines.

110. Qualifications, experience etc. of Superintendent.- No person shall be appointed as Superintendent unless he:-

- (i) is a rescue trained person ;
- (ii) has 5 years practical experience of below ground work in mines; and
- (iii) holds a First Class Manager's Certificate of a type not restricted to open cast workings.

111. Qualifications, experience etc., of Instructors.- After; the coming into force of these rules no person shall be appointed as Instructor unless he:-

- (i) is a rescue trained person;

- (ii) has 3 years practical experience of below ground work in mines; and
- (iii) holds a Manager's certificate of a type not restricted to open cast workings.

112. Selection of rescue trained persons for posting at rescue stations.- (1) After coming into force of these rules the rescue trained persons for posting at a rescue station shall be selected, from amongst the rescue trained persons employed in mines served by the rescue station, by the Superintendent in consultation with the managers of such mines. (2) A person selected under sub-rule (1) shall be posted for not less than one year and not more than five years at a rescue station at any one time.

113. Qualifications, experience etc. of rescue room in-charge.- No person shall be appointed as rescue room in-charge unless he:-

- (i) is a rescue trained person;
- (ii) has 3 years practical experience of below ground work in mines ; and
- (iii) holds a Manager's, Overman's or Foreman's Certificate of a type not restricted to open cast workings.

114. Equipments.- (1) At every rescue station there shall be provided and maintained for immediate use, apparatus and equipment as specified in Schedule I, as may be notified.

(2) At every rescue room there shall be provided and maintained for immediate use, apparatus and equipment as specified in Schedule II, as may be notified.

(3) At a below ground mine, where no rescue room is located, apparatus and equipment as specified in Schedule III, as may be notified and shall be maintained at the entrance of such mine.

(4) Self- contained breathing apparatus provided at a rescue station and that at rescue rooms under it shall be of the same type and make.

(5) The following apparatus and equipments provided in pursuance of sub-rules (1), (2) and (3), shall be of a type or standard approved by the Chief Inspector cum Facilitator, namely:-

- (a) breathing apparatus;
- (b) smoke helmets and apparatus serving the same purpose;
- (c) reviving apparatus;
- (d) electric safety lamps and flame safety lamps;
- (e) gas detector; and
- (f) self-rescuers.

(6) All breathing apparatus and every flow meter shall be adjusted; and tested and the purity of oxygen for use in breathing apparatus shall be tested in such manners as are laid down in Schedule IV, as may be notified.

(7) In case of an accident in a below ground mine arising out of the use of any rescue apparatus, a written report thereof shall be sent, within 24 hours of such accident, by the manager of the mine to the Chief Inspector cum Facilitator and Inspector cum Facilitator in the form, as may be notified.

(8) In case of an accident in a rescue station or rescue room arising out of the use of any rescue apparatus a written report thereof shall be sent electronically , within 24 hours of such accident, by the Superintendent to the Chief Inspector cum Facilitator and Inspector Cum Facilitator in the form, as may be notified.

(9) No absorbent charges, chemicals, self-rescuer and gas detector tubes shall be kept at any rescue station, rescue room or below ground mine for use beyond the expiry date, which shall be legibly marked on the boxes thereof.

115. Duties and responsibilities of Superintendent.- (1) The Superintendent shall be in overall control of the rescue station and the rescue rooms served by such rescue station.

(2) The Superintendent shall ensure that all the rescue equipment and apparatus kept at the rescue station, rescue rooms and at the entrance of the below ground mines under his control are- (a) maintained in perfect working order; (b) inspected by Instructors at specified intervals; and (c) tested and adjustments are made accordingly.

(3) The Superintendent shall ensure that adequate stock of spare parts and supplies are kept for maintaining rescue equipment and apparatus in perfect working order.

(4) The Superintendent shall countersign the records maintained.

(5) The Superintendent shall ensure that persons selected for initial training and those undergoing refresher training receive the prescribed course of instructions and practices and are issued the credit certificates for the same.

(6) The Superintendent shall make periodical inspection of rescue rooms and the apparatus and equipment under his control.

(7) In the event of an emergency at a below ground mine, Superintendent shall perform such rescue and recovery work as may be assigned to him by the manager or in his absence by the principal official present at the surface. He shall send a daily report and a complete report within twenty four hours after completion of the rescue or recovery work to the Inspector cum Facilitator or the Chief Inspector cum Facilitator.

(8) The Superintendent shall maintain in a bound paged book a diary and shall record therein the results of each of his inspections and also the action taken by him to rectify the defects observed during inspection.

116. Duties of Instructors.- (1) Under the direction of Superintendent the Instructor shall-

(a) impart course of instructions and practices to persons selected for training in rescue and recovery work as well as to rescue trained persons and maintain a record thereof; and

(b) make inspection, test and adjustment of rescue equipment and apparatus and maintain a record thereof.

(2) In the event of an emergency at a below ground mine, Instructors shall perform such rescue and recovery work as may be assigned to him by the manager or in his absence by the principal official present at the surface.

(3) Instructor shall not leave the rescue station without prior permission of the Superintendent.

(4) In the absence of the Superintendent, the Instructor shall be in-charge of the rescue station.

117. Duties and responsibilities of rescue room in-charge.- Every rescue room in-charge shall-

(a) display prominently a list of mines served by his rescue room;

(b) maintain the equipment and apparatus kept at the rescue room in perfect ;order;

(c) maintain a proper record of all rescue equipment and apparatus kept at the rescue room and inspection thereof; and

(d) not allow any unauthorised person; to enter into, or permit any unauthorised person to take out any apparatus or equipment from the rescue room.

118. Duties of rescue trained persons posted at rescue station.- The rescue trained person shall-

(a) obey order of the Superintendent and Instructor and assist them in discharge of their functions;

(b) attend to messages, telephone calls and wireless and maintain record thereof;

(c) maintain the rescue station in neat and tidy condition;

(d) maintain the equipment and apparatus kept at the rescue station in perfect order;

(e) perform rescue and recovery work in mines; and

(f) not leave rescue station without obtaining permission from the Superintendent.

119. Duties of rescue room attendant .- Every rescue room attendant shall-

(a) not leave the rescue room until relieved by a substitute;

(b) not allow any unauthorised person to enter in or to take out any apparatus or equipment from the rescue room;

(c) attend to telephone calls and maintain a record thereof;

(d) maintain the rescue room in neat and tidy condition; and

(e) obey orders of the rescue room incharge and assist him in discharge of his functions.

120. Telephone Communication. – Every mine shall be connected telephonically with the rescue room and rescue station serving the mine. Wherever practicable wireless communication shall also be provided: Provided that where there is no telephonic communication system, the Chief Inspector cum Facilitator may by an order in writing and subject to such conditions as he may specify therein, approve any other means of communication.

121. Rescue tracings.- There shall be kept at a below ground mine, more than three legible tracings of the working of the mine upto a date not before three preceding months. The tracing shall show the system of ventilation in the mine, and in particulars, the general direction of air-current, every point where the quantity of air is measured, every air-crossing, ventilation-door stopping, booster fan and any other principal device for regulation and distribution of air, fire-dams, preparatory stoppings , every fire-fighting equipment, every water-dam with dimensions and other particulars of construction, every pumping, telephone and ambulance station, every room used for storing inflammable material, reserve stations and every haulage and travelling roadway.

122. Appointment of rescue trained persons in mines, their disposition and accommodation.- (1) The manager of a below ground mine, where more than 100 persons are ordinarily employed below ground, shall ensure that at least 5 rescue trained persons are readily available at surface at any time.

(2) The manager of a below ground mine, where more than 500 persons are ordinarily employed below ground, shall also ensure that persons on a scale of one man for every 100 persons or part thereof are rescue trained persons.

(3) It shall be the responsibility of the owner to provide suitable accommodation:-

(i) close to the rescue station to the Superintendent, Instructors and members of rescue brigade;

(ii) close to rescue room to rescue room in-charge rescue trained persons and attendants attached to it; and

(iii) close to below ground mine entrance to rescue trained persons other than those specified in (i) and (ii). (4) There shall be provided at a below ground mine effective bell or other arrangements, as may be approved by the Inspector cum Facilitator, for immediate summoning of rescue trained persons.

123. Selection of persons for training in rescue work.- No person shall be selected for training in rescue work, unless:-

(i) he is between 21 and 30 years of age and holds a valid First-aid certificate of the standard of the St. John Ambulance Association (India);

(ii) he is certified by the Manager that he has sufficient underground experience for the purpose of rescue work;

(iii) he is certified by a qualified medical practitioner, as may be designated by the Manager after examination in accordance with Schedule VI, as may be notified, to be free from any organic disease or weakness and to be fit for undertaking rescue work; and

(iv) he is considered by the Superintendent of Rescue Station, after such examination and interview as he considers necessary, to be suitable for rescue work with breathing apparatus.

124. Instructions and practices etc.-(1) Every person selected for training in rescue work shall undergo the course of instructions and practices as set out in Part I of Schedule VII as may be notified, until he has passed and has been certified as efficient by the Superintendent.

(2) Rescue trained person shall undergo practices and receive instructions as set out in Part II of Schedule VII as may be notified.

(3) A record shall be kept at every rescue station of all persons undergoing practices and receiving instructions. Such record shall contain:-

(i) the date and the character of each practice;

(ii) the condition of each person after the practice, and if anything abnormal was observed in his condition, whether it was due to a defect of the apparatus or to that person; and

(iii) any other relevant information.

125. Medical examination etc. of rescue trained person.- Every rescue trained person shall be re-examined once at least in every twelve months by a qualified medical practitioner as may be designated by the manager in accordance with Schedule VI, and in case he is declared medically unfit, he shall cease to be a rescue trained person with effect from the date he has been so declared.

126. Suspension of rescue trained persons.- If in the opinion of the owner, agent, manager or an Inspector cum Facilitator a rescue trained person is incompetent or is guilty of negligence or misconduct in the performance of his duties, the owner, agent, manager or Inspector cum Facilitator as the case may be, may after giving such person an opportunity to give a written explanation, suspend him from or debar him for, undertaking any rescue and recovery work.

127. Duties of Manager etc. in emergency.- (1) On receiving information of any emergency likely to require the services of a rescue team, the manager, or in his absence the Principal Official present at the surface, shall immediately:-

(a) inform the rescue room or the rescue stations serving the mine for necessary assistance;

(b) summon rescue trained person employed in the mine;

(c) inform the owner, agent or manager of nearby mines to make available the services of rescue trained persons employed therein: if so required;

(d) inform the rescue station about the nature of the occurrence; stating whether assistance would be needed from the rescue station;

- (e) summon medical assistance; and
- (f) send information of the occurrence to the Inspector cum Facilitator.

(2) All rescue and recovery work at a below ground mine shall be conducted under the control, direction and supervision of the manager of the mine or in his absence the principal official present at the surface. Provided that in the event of a major emergency, such as ignition, explosion, big underground fire or an accident involving a number of persons, the manager or the principal official shall, in taking decisions regarding rescue and recovery operations, take guidance from a group consisting of a Senior Official of the management, a representative each from the Director General of Mines Safety, concerned rescue station and the recognised Union of the Workers, so however that he must take necessary decisions and direct the operations as the situation warrants, without waiting for the constitution or deliberations of the said group.

128. Accommodation at the below ground mine for persons engaged in rescue work.- Whenever rescue trained persons are engaged in rescue or recovery work at a below ground mine, there shall be provided at such mine suitable accommodation for storage and charging of apparatus required for that work. Such accommodation shall be situated at a convenient place near the entrance in use, and shall be properly ventilated and lighted. Adequate quantity of cool and wholesome drinking water and food shall be provided for the rescue workers.

129. Entry into below ground mines for rescue or recovery work.- (1) No person shall be allowed to enter a below ground mine or part thereof which is unsafe for the purpose of engaging in rescue or recovery work, unless authorised by the manager or in his absence by the principal official of the mine present at the surface. Only rescue trained persons shall be permitted to enter the mine for the purpose of using self-contained breathing apparatus. (2) During the Course of rescue or recovery work, person or persons shall be stationed at the entrance to the below ground mine and shall keep a written record of all persons entering and leaving such mine, and the time thereof.

130. Fresh air bases.- (1) As soon as possible, base or bases shall be established in fresh air, as near to the irrespirable zone or zones as safety permits, Every such base shall, if possible be connected by telephone:

- (i) if the base is below ground to the surface ; or
- (ii) if the base is on the surface, to the shaft bottom.

(2) Except in cases where the delay involved may result in danger to life, rescue trained persons shall not proceed beyond any place where a base is to be established until there have been provided at such base:-

- (a) two persons, of whom one shall be a qualified medical practitioner if practicable, and other shall be a rescue trained person;
- (b) a spare team; with rescue apparatus, ready for immediate service;
- (c) one or more reviving apparatus, oxygen revivers etc,
- (d) first aid box and stretcher,
- (e) means of testing for carbon monoxide;
- (f) a hygrometer; and (g) two flame safety lamp.

(3) Whenever men are already at work beyond the fresh air base, there shall be provided at the base as soon as possible the persons, apparatus and equipments.

131. Leader.- Every rescue team engaged in work with breathing apparatus in a mine shall be under a leader who shall be appointed by the Superintendent.

132. Instructions to leader.- Prior to sending a rescue team underground, the Superintendent or a person authorised by him shall give clear instructions to the leader of the team as to where it shall go and what it shall attempt.

133. Test of apparatus.- Before proceeding below ground the leader shall test or witness the testing of self-contained breathing apparatus of the team for leakage. No such apparatus shall be used unless it is found safe. He shall check the equipment of his party, and immediately before entering irrespirable atmosphere shall make sure that all breathing apparatus are working properly.

134. Duties of leader below ground .- (1) The leader shall not engage in manual work. He shall give his attention solely to directing the team and to maintaining its safety. He shall examine the roof and supports during the journey, and if there is any likelihood of fall at any place along the roadway, shall not proceed further until the team has made the place secure.

(2) The leader shall keep the team together and shall not allow any member of the team to stray.

(3) If the atmosphere is clear, the leader shall, when passing the junction of two or more roadways, clearly indicate the route by means of arrow marks in chalk. If the atmosphere is obscure, the leader shall see that a life line is laid in from

the fresh air base, and shall not allow any member of the team to move out of reach of that line; or, if that course is impracticable, he shall not proceed until every roadway branching off from the route is fenced across the whole opening.

(4) When using rescue apparatus, the leader shall carry a watch, shall record the pressure of the compressed oxygen at intervals of 20 minutes or so, and shall commence the return journey in ample time. During travelling he shall adopt the pace of slowest member, if any member of the team is in distress, shall immediately return to the fresh air base with the whole team.

(5) The leader shall not permit any member of the team using breathing apparatus in a mine to remain at work at any one time for a period longer than one and half hours or such other period as may be specified by the Chief Inspector-cum-facilitator in respect of the breathing apparatus being used.

135. Rescue team members and their duties.- (1) The number of persons in any rescue team using breathing apparatus in a mine shall not be less than five nor more than six, including the leader. (2) In case there is no provision in any of the breathing apparatus carried by the rescue team for an extension for supply of oxygen to another person in an emergency, the team shall carry a self-rescuer. (3) Members of rescue team shall in general, use the signals prescribed in Schedule VIII as may be notified, in communicating to one another. (4) In travelling with rescue apparatus on, every member of the team shall keep the place given to him when numbering off. If the pace is too quick or if distress is felt, the member shall at once call attention to the fact. (5) Every member of a rescue team engaged in work with breathing apparatus in a mine shall obey the order of the leader of the team.

136. Restriction of second spell of works.- No person shall commence a second or subsequent spell of work in irrespirable atmosphere without being examined and found fit by a qualified medical practitioner.

137. Obligation of owner, agent and manager in certain situations.- Whenever emergency arises at a below ground mine, whether served by a rescue room or rescue station or not, the owner, agent or manager may seek assistance or additional assistance as the case may be from the nearest rescue room or rescue station and in such an event:- (a) all possible assistance shall be promptly rendered by the rescue room or rescue station; and (b) the owner of the mine shall pay to the owner of the rescue station or rescue room, rendering such assistance, the full cost of rescue services and facilities borrowed.

138. General management.- It shall be the responsibility of the owner to establish, maintain and ensure proper functioning of rescue room or rescue station as required under these rules, to appoint Superintendent, instructors, rescue room in-charge, rescue trained persons, and to provide necessary rescue equipment and apparatus as may be necessary for compliance with the provisions of these rules.

139. Power to relax.- Where in the opinion of the Chief Inspector-cum-facilitator, the conditions pertaining to a mine or rescue station or rescue room are such as to render compliance with any provisions contained in these rules, unnecessary or impracticable, he may by an order in writing and subject to such conditions as he may specify therein grant exemption from the said provisions.

140. Vocational Training under Section 72.- If any question or dispute arises as to whether a particular person or class or category of persons is required by these rules to undergo training or not, the same shall be referred to the Chief Inspector-cum-facilitator for decision.

141. Training Scheme.— (1) The Owner of every mine shall ensure that a training scheme comprising of theory and practical, based on the guidelines on the scheme of training, notified by the Chief Inspector-cum-facilitator from time to time, is prepared and submitted to the Chief Inspector-cum-facilitator and Inspector-cum-facilitator for persons employed or to be employed in the mine.

Provided that the agent of the mine may submit the training scheme approved by the owner in writing.

(2) The Chief Inspector-cum-facilitator or Inspector-cum-facilitator may by an order in writing, require such modification in the training scheme as he may specify therein.

(3) The scheme referred to in sub-rule (1) shall include, but not limited to, the following provisions, namely:-

- (i) initial training for the persons to be employed in the mines;
- (ii) refresher training for the persons already employed;
- (iii) training in case of introduction of new technology, equipment or change in work procedure;
- (iv) assessing current competencies of a person employed in the mine and prior learning, in establishing the person's training needs;
- (v) assessing the training needs of persons working in mines for the safe performance of the mining operations;
- (vi) appointing persons who are competent to give training and assess employees' competencies;

- (vii) keeping and auditing records of assessment undertaken and training imparted and;
- (viii) the relevant standards, modules or any other guidelines issued in this behalf by the Chief Inspector-cum-facilitator from time to time;
- (ix) course material on various topics for different categories of persons for delivering lectures in vocational training centre.

142. Constitution of the Board of Vocational training.—

(1) The Board of Vocational training shall consist of –

- (a) the Chief Inspector-cum-facilitator, who shall be its Chairperson, ex-officio ;
- (b) three members possessing technical qualifications in Mining or Petroleum engineering and having at least twenty years practical experience one each in coal mines, metal mines, and oil mines to represent each sector appointed by central Government;
- (c) two members possessing technical qualifications in Electrical engineering or Mechanical engineering or Allied engineering and having at least twenty years of practical experience in mines, appointed by Central Government;
- (d) two members serving in an institution imparting education in human resource management at graduation, post-graduation or equivalent level and having fifteen years of experience, appointed by central Government.

(2) Every member (other than the Chairperson) of the Board of Vocational training shall hold office for a period of three years from the date of the notification appointing him a member of the Board of Vocational training or until his successor is appointed and takes charge, whichever is later :

Provided that –

- (i) a member may at any time resign his office;
- (ii) a member appointed under clause (d) of sub-rule (2) shall cease to hold office upon his ceasing to serve in any such institution, as is referred to in that clause;
- (iii) a person appointed to fill a vacancy caused by reason of the death, resignation of a member, or by reason of ceasing of office under sub-clause (ii), shall hold office for the remaining period for which such member would have, but for such reason, continued as member.

(3) A person who holds, or who has held, office as member of the Board of Vocational training shall, subject to the other provisions of this rule, be eligible for re-appointment to that office not more than two terms.

(4) A member of the Board of Vocational training (other than the Chairperson) shall receive such remunerations as the Central Government may fix.

(5) An Inspector-cum-facilitator nominated in this behalf by the Chief Inspector-cum-facilitator shall act as Secretary to the Board of Vocational training, hereinafter referred to in this rules as the Secretary.

(6) Notwithstanding anything contained in this rule, the Central Government may, if satisfied that it is necessary so to do in the public interest, re-constitute the Board of Vocational training even though the term of office of all or any of the members thereof has not come to an end.

(7) Meetings of the Board of Vocational training shall be held as and when the Chairperson considers them necessary and at least once in six months at a place decided by the Chairperson.

(8)(a) For every meeting of the Board of Vocational training, the Chairperson or Secretary shall give to every member who is not absent from India, a prior notice of not less than ten clear days, intimating the time and place of the proposed meeting.

- (b) The notice shall be sent by e mail or delivered at, or posted to the usual place of residence of the member, and each such notice shall be accompanied by a list of items of business to be disposed of at that meeting.
- (c) Notwithstanding anything contained in clauses (a) and (b), in case of urgency the Chairperson may call at any time, an emergent meeting by intimating the members, only two days in advance, of the time and date of such meeting and the subject matter for discussion at such meeting;

Provided that if at any meeting there is no quorum as specified in Sub-rule (12), the meeting shall stand adjourned to a date which is seven days later or if that day is a public holiday to the next working day. The time, place and agenda for the adjourned meeting shall remain unchanged.

- (d) Where the meeting stands adjourned for lack of quorum, it shall be lawful to dispose of the business at such meeting irrespective of the number of members attending.

- (9) (a) The Chairperson shall preside at every meeting of the Board of Vocational training.
- (b) If the Chairperson is absent for any reason, the Chairperson shall authorise a member to preside over the meeting, and the members so authorised shall, for the purposes of that meeting, have all power of the Chairperson.
- (10) No business shall be transacted at a meeting of the Board of Vocational training unless at least four members, including the Chairperson, are present.
- (11) (a) Every matter which the Board of Vocational training is required to consider shall be considered at its meeting, or, if the Chairperson so decides, by circulation of the papers, to every member who is not absent from India.
- (b) When any matter is referred to by circulation as aforesaid, any member may request that it should be considered at a meeting of the Board of Vocational training and the Chairperson may direct that it shall be so considered but when two or more members so request, the Chairperson shall direct that it shall be so considered at a meeting to be held.
- (12) (a) The Secretary shall place before the Board of Vocational training, a list of business to be transacted at the meeting.
- (b) No business which is not included in such list shall be considered unless the Chairperson permits.
- (13) (a) Every matter at a meeting shall be decided by the majority of votes of the members present at such meeting.
- (b) Every matter referred to the members by circulation under sub-rule (12) shall be decided by the majority opinion of the members to whom the papers were circulated, unless the Chairperson reserves it for consideration at a regular meeting to be held later.
- (c) In case of equal division of votes or opinions of the members, the Chairperson shall have a casting vote or opinion.
- (14) (a) The Secretary shall record the minutes of each meeting in a bound-paged book kept for the purpose and he shall circulate to all members present in India the copies of such minutes of the meeting.
- (b) The minutes so recorded shall be confirmed at the next meeting of the Board of Vocational training and signed by the Chairperson in token thereof.
- (15) (a) The Chairperson in addition to any other powers and functions conferred upon him under these rules, shall:-
- (i) present all important papers and matters to the Board of Vocational training at least ten days before the meeting;
- Provided that in case of urgency, the subject matter may be placed before the Board of Vocational training two days before the meeting.
- (ii) issue orders for carrying out the decisions of the Board of Vocational training;
- (iii) have power to refer, in his discretion, any matter to the Central Government for its orders; and
- (iv) have powers generally to take such action or pass such orders necessary to implement the decisions of the Board of Vocational training.
- (b) The Chairperson may, during his temporary absence by reason of leave or otherwise, authorize any member of the Board of Vocational training to perform all or any of the functions of the Chairperson during such absence.

143. Functions of the Board of Vocational training.— The Board of Vocational training may-

- (1) Constitute advisory committees to address any matter put before it and for specifying criteria for the mandatory establishment of independent vocational training centre by the owner of a mine, standard of training to the persons working in mines to maintain uniform standards.
- (2) Specify the manner of ascertaining, by examination or otherwise, the quality of training to the persons, granting certificates by a system of assessment and evaluation.
- (3) Specify the manner of ascertaining, by examination or otherwise, the competency of training officers, instructors, trainers and persons acting under them and specifying qualification and experience of training officers, instructors, trainers and persons acting under them.
- (4) Specify the scale of appointment and manner of training of Instructors and trainers.
- (5) Specify the system and standard of training centres, criteria for approval and suspension or cancellation of training centre and auditing and monitoring of all aspects of such training centers.

- (6) Specifying the manner of assessing training requirement of trainees and their post-training evaluation process.
- (7) Specify criteria for establishment of common training centre.
- (8) Prescribe fees required to be paid along with the application for approval of vocational training centre under these rules.
- (9) Prescribe remuneration or allowances to be paid to an Instructor, Trainer etc. under these rules.
- (10) Make provisions for any other matter concerning training of persons employed in mines, referred to the Board of Vocational training.

144. Scope and Standard for Vocational Training.— (1) The owner or agent of every mine shall ensure that every person to be employed in a mine shall, before he is employed, be imparted training as per the training scheme under this rule.

Provided that in case of a person who is already in employment in other mine, the owner shall ensure that such person is imparted training covering such additional course of training as specified under this rule.

145. Scope and standard for Refresher Training.— Every person in employment in a mine shall undergo the refresher training at least once in four years, as per training scheme.

Provided that the Chief Inspector-cum-facilitator may by order in writing and subject to such conditions as he may specify therein increase or decrease the interval of Refresher training at a mine.

146. Arrangement for refresher training.— The refresher training shall be so arranged that the persons shall undergo training during normal working hours on full day release system:

Provided that the Chief Inspector-cum-facilitator may by general or special order in writing subject to conditions as may be specified may exempt any mine from the provisions the of this rule.

147. Special Training.— (1) In case new technology, equipment and system of work is introduced in the mine, the owner or agent or manager shall prepare and submit the training module, at least sixty days before such introduction, to the Chief Inspector-cum-facilitator, who may at any time, by an order in writing, require such modification in the training module as he may specify therein.

(2) Persons to be employed in aforesaid technology, equipment and system of work shall undergo training as per the training scheme specified under this rule, based on the aforesaid training module.

148. Training of persons after long absence or after an accident or change of job.— Wherever a person returns to employment in a mine, after an absence from work for a period exceeding one year or returns to work after being involved in a serious accident or in a dangerous occurrence which could have resulted in threat to life and safety, or is re-employed on a job which is different from what he had been performing earlier he shall undergo training before employment as per the training scheme specified under this rule.

149. Training Centre.—(1) The owner of every mine shall provide and maintain a training centre which shall be adequate for the purpose of imparting the training required to be undergone by the persons who are employed or to be employed in the mine:

Provided that the Chief Inspector-cum-facilitator may, by an order and for the reasons to be recorded in writing and subject to such conditions as he may specify therein, authorize that a common training Centre may be provided and maintained in respect of two or more mines belonging to the same owner:

(2) The Chief Inspector-cum-facilitator may permit in writing, subject to such conditions as he may specify therein, a common training Centre owned and maintained by a group of owners for imparting training in more than one mine.

Provided that where a common training centre is established and maintained by a group of owner, the owners of those mines shall nominate one among them to assume the responsibility of owner of the common training centre for management, supervision, direction and control thereat and the nominated owner shall submit notice in writing to the Chief Inspector-cum-facilitator and the Inspector-cum-facilitator.

(3) Notwithstanding anything contained in sub-rule (1) and sub-rule (2), the Chief Inspector-cum-facilitator may approve in writing, subject to such conditions as he may specify therein, a training Centre established under any other law for the time being in force subject to having such infrastructure and facilities as notified by the Chief Inspector-cum-facilitator for imparting training under these rules.

(4) Every application for approval under sub rule (3) shall be made in a proforma and accompanied by a fee prescribed by the Board of Vocational training and notified by the Chief Inspector-cum-facilitator.

150. Arrangements for the training centre.— Every training centre shall have such staff, equipment's and other facilities as notified by the Chief Inspector-cum-facilitator.

151. Training Officer.— (1) Every training centre shall be placed under the charge of a whole time training officer, possessing qualification and experience, as specified by the Board of Vocational training and notified by the Chief Inspector-cum-facilitator from time to time.

(2) It shall be the responsibility of the owner or agent of the mine or the owner of common vocational training as the case may be to appoint the training officer specified under sub-rule(1).

Provided that in case of an approved training centre, the person responsible for the management, control, supervision or direction of the training centre hereinafter referred to as owner of approved training centre, shall appoint the training officer.

(3) Notwithstanding anything contained in sub-rule (1), where the training officer is unable to perform his duties by reason of temporary absence, illness or other cause, the owner, agent or manager, as the case may be, shall authorize in writing any other person having similar qualifications to act in his place.

Provided that no such authorisation shall have effect for a period exceeding thirty days, except with the previous consent in writing of the Chief Inspector-cum-facilitator and subject to such conditions as he may specify therein;

(4) A written notice of every appointment, discharge, dismissal, resignation or termination of service of a Training officer and of the date thereof shall be sent by the owner or agent to the Chief Inspector-cum-facilitator and the Inspector-cum-facilitator within seven days from the date of such appointment, authorization, discharge, dismissal, resignation or termination of service as the case may be.

152. Duties of Training Officer.— (1) It shall be the duty of the training officer:

- (i) to organise and supervise the training of every person undergoing training under him in pursuance of these rules;
- (ii) to recognize current competency and prior learning in establishing the training needs;
- (iii) to ensure training as per the modules or curriculum prepared under the training scheme for different categories of persons and ensure that the instructors deliver lectures on standard course material;
- (iv) to maintain records of the training given to every person and to furnish monthly reports to the mine manager on the progress of the persons undergoing training;
- (v) to maintain records of the supervision in respect of the practical training on actual operations and
- (vi) to discharge such other duties as may be necessary for the proper compliance of these rules.

(2) Every training officer shall keep a record of his work and shall, at the end of every year, forward to the Chief Inspector-cum-facilitator or Inspector-cum-facilitator having jurisdiction over the training centre, through the owner, agent or manager of the mine or the owner of a common or approved training centre as the case may be, a summary of the report of his work during the year.

153. Instructors.— The owner or agent of a mine or the owner of a common or approved training centre as the case may be, shall appoint sufficient number of instructors having qualification and experience to impart training in Vocational Training Centre.

Provided that, in special circumstances, officials may be called for from the mines, to deliver lectures and demonstrations at the training centre.

154. Trainers.— For the purpose of the practical training referred to in these rules, every person to be employed in a mine shall be placed under the direct supervision of an experienced person of an appropriate category, employed on operations and authorized by manager hereinafter referred to as trainer.

155. Qualification of instructors and trainers.—

(1) No person shall function as an instructor or trainer unless he possesses qualification, training and experience as specified by the Board of Vocational training and notified by the Chief Inspector-cum-facilitator from time to time.

(2) Instructors and Trainers shall be skilled and experienced having aptitude required for training job.

156. Duties of Instructor.— The instructor shall:-

- (i) assess employees competency and deliver lecture on standard course material;
- (ii) maintain records of training given to every person and to furnish weekly report to the training officer on the progress of the persons undergoing training.

157. Duties of trainer and persons undergoing training.—

(1) The trainers shall be responsible for the safety of the persons undergoing training under him.

- (2) The trainer shall see that the persons put under his charge for training, pick up work, understand the dangers inherent in the job and develop habits, which would ensure safety in mines.
- (3) The trainer shall see that the persons undergoing training, move within the mine along with him.
- (4) Every trainer shall see that the persons undergoing training under him, is aware of escape route from the sections where he is likely to work and other emergency response applicable to the trainee.
- (5) Every person undergoing training shall, whilst under training, comply with the directions of the trainer under whom he is put in charge.

158. Training allowance.—

- (1) Every trainer shall, in addition to his normal wages, be paid by the owner, agent or manager of a mine, a training allowance for every day a trainee has worked under his supervision as prescribed by the Board of Vocational training and notified by the Chief Inspector-cum-facilitator.
- (2) Every Instructor, other than the instructor under regular appointment at the training centre shall, in addition to his normal wages, be paid by the owner, agent or manager a training allowance for every day he has imparted training in Vocational Training Centre, as prescribed by the Board of Vocational training and notified by the Chief Inspector-cum-facilitator.

159. Certificate of training.—

- (1) Every person who undergoes a course of training specified in these rules shall, on completion of the training be assessed and subject to acceptable performance of the trainee, he shall be granted a certificate duly signed by the training officer, in form to be notified by the Chief Inspector-cum-facilitator.
- (2) Where the training officer is not satisfied with the progress or performance of any trainee, he shall report the same to the manager of the Mine, who may arrange to give him further training.
- (3) The Manager of every mine shall counter sign and specify date on the certificate after being satisfied of the successful completion of training.

160. Certificate to be delivered to the Management.— (1) Every person employed in a mine shall –

- (i) if he has obtained training certificates prior to such employment; and
- (ii) if he has obtained certificates during the course of employment, within such time as may be specified by the manager of the mine, deliver the certificate issued to him under these rules, to the manager of the mine who shall keep the certificate in safe custody and issue a receipt for the same.

- (2) On the termination of employment, certificate deposited under sub-rule (1) shall be returned to the employee.

161. Inspection of Vocational Training Centre.— The Chief Inspector-cum-facilitator or other Inspector-cum-facilitator, authorised by him in his behalf or the Inspector-cum-facilitator may enter, inspect and examine any training centre or any part thereof and make such examination or inquiry as he thinks fit in order to ascertain whether the provisions of these rules and of any orders made there under are being complied with.

162. Notice of closure or discontinuance of Vocational Training Centre.— When it is intended to close a training centre established under these rules or to discontinue the working thereof for a period exceeding sixty days, the owner, agent or manager of a mine or the owner of a common vocational training centre as the case may be, shall give a notice in the manner and form as may be notified by the Chief Inspector-cum-facilitator for the purpose, to the Chief Inspector-cum-facilitator and the Inspector-cum-facilitator stating the reasons for such closure or discontinuance, not less than thirty days before such closure or discontinuance:

Provided that the owner or the agent or the manager of the mines shall give notice forthwith when on account of unforeseen circumstances a training centre is closed or discontinued before the said notice has been given or without previous intention the discontinuance extends a period of sixty days.

163. Onus as to age under Section 117.—The Medical Authority shall be a medical practitioner as defined under Section 42 of the Code, who possesses any recognised medical qualification as defined in THE NATIONAL MEDICAL COMMISSION ACT, 2019 (30 OF 2019) and who is enrolled on a Indian Medical Register as defined in clause (e) and on a State Medical Register as defined in clause (l) of section 35, 36, 37 and 40 of the Code.

164. Procedure of inquiry and other related matters under sub-section (4) of section 121.-

- (1) Wherein any workplace an accident causing death or serious bodily injury takes place or there is an occurrence of any dangerous occurrence or cases of any occupational disease as specified in the Third Schedule to the code has been reported or is suspected to have been contracted, the central government, as the case may be, appoint one or more persons possessing legal or special knowledge to act as assessors or competent persons in such inquiry in order to inquire into the causes of the accident or occupational disease.

(2) The competent person appointed under sub-rule (1) shall carry out the inquiry into the causes of the accident or dangerous occurrence alongwith identification of the hazardous condition for which he has reasonable evidence to conclude and to be recorded in writing in the inquiry report, has caused the accident or the dangerous occurrence and also identify the persons which he believes, based on his findings, to be responsible for such occurrence.

(3) The inquiry report shall contain conclusive findings of the inquiry alongwith the recommendations for prevention of such accidents or dangerous occurrences or occupational diseases containing suggestions for implementation to prevent re-occurrence.

(4) In case of dock work, any competent person appointed by the Central Government for the purposes of inquiring into the causes of any accident, dangerous occurrence or occupational diseases connected with the dock work under the provision of section 121 of the Code shall make the inquiry in the following manner:

(a) date, time and place of holding the inquiry shall be fixed and may be varied, notice of which shall be given not less than 30 days in writing of such date, time and place to every person entitled to appear at the inquiry whose name and address are known to the competent person:

Provided that,—

(i) with the consent of all such persons, the competent person may give such lesser period of notice as shall be agreed to with those persons; and

(ii) where it becomes necessary or advisable to vary the time or place fixed for the inquiry, the competent person shall give such notice of the variation as may appear to it to be reasonable in the circumstances.

(b) The notice given under paragraph (a) of this rule shall state the name of the competent person and the names of assessors, if any, appointed to assist the competent person in the inquiry.

(c) Without prejudice to the foregoing provisions of this rule, the competent person shall also for the purpose of notifying to the persons who may in any way be concerned with the subject-matter of the inquiry, take one or more of the following steps, namely:—

(i) publish notice of the inquiry in one or more newspapers, including where appropriate, newspapers circulating in the locality/area in which the subject-matter of the inquiry arose; and

(ii) give such other notice of the inquiry as appears to the competent person to be appropriate; and the requirements as to the period of notice contained in paragraph (a) of this rule shall not apply to any such notices.

165. Persons to appear at inquiry.—(1) The person entitled to appear at the inquiry shall be—

(a) any competent person under section 2(l);

(b) any enforcing authority concerned;

(c) any employers' association or trade union of employees;

(d) any person who was injured or suffered damage as a result of the accident, occurrence, situation, disease or other matter which is the subject of the inquiry, or his representative;

(e) the owner of any premises in which the accident, occurrence, situation or other matter occurred or arose;

(f) any person carrying on work giving rise to the accident, occurrence, situation or other matter which is the subject of the inquiry; and

(g) any other person at the discretion of the appointed competent person.

(2) The following shall represent at the inquiry, namely:—

(a) a corporate body may be represented by its secretary or by any other officer appointed for the purpose, or by counsel or solicitor;

(b) a Government department, an employers' association or a trade union may be represented by a counsel or a solicitor;

(c) where there are two or more persons having a similar interest in the matter under inquiry, the competent person may allow one or more persons to appear for the benefit of some or all persons so interested.

(3) The competent person appointed by the Central Government under section 121 of the Code, may, either of his own motion or on the application of any person entitled or permitted to appear, cause to be served on any person appearing to him to be likely to be able to give material evidence or to produce any document likely to be material evidence, a notice requiring that person to attend at the inquiry at the time and place specified in the notice to give evidence or produce the document.

(4) A person on whom a notice is served under sub-rule (3) may apply to the competent person either at or before the inquiry to vary or set aside the requirement, and where he does so before the inquiry, he shall give notice of his application to the person, if any, who applied for the notice under sub-rule (3) to be served.

(5) Except as otherwise provided in these rules, the procedure at and in connection with an inquiry shall be at the discretion of the competent person who shall state at the commencement of the hearing the procedure which, subject to consideration of any submission by the persons appearing at the inquiry, he proposed to adopt and shall inform those persons what he proposes as regards any site inspection arising out of the hearing.

(6) In case of mines, the persons appointed to hold inquiry under section 121 shall hold the inquiry in public in such manner and under such conditions as the Court thinks most effectual for ascertaining the causes and circumstances of the accident or other occurrences and for enabling the Court of inquiry to make the report.

(7) If a court of inquiry finds that the accident was due to any carelessness or negligence on the part of the management, the court may direct the recovery of the expenses of such court including any expenses incurred with the previous sanction of the court and any other expenses connected with the enquiry which the court may direct as recoverable from the owner of the mine concerned, in such manner and within such time as the court may specify.

(8) The amount directed to be recovered under sub rule (1) may, on application by the Chief Inspector-cum-facilitator or an Inspector-cum-facilitator to the concerned authority, be recovered from the owner or employer or occupier.

(9) An Inspector-cum-facilitator nominated in this behalf by the central government, shall act as the Secretary to the Court of inquiry.

(10) The inquiry or the survey, as the case may be, shall be completed and submitted to the central government, within a period of three months from the date of the order through which it is constituted.

166. Procedure of survey and other related matters under sub-section (4) of section 121.-

The Central Government may direct DGOSH or DGMS or any other institution under the control of the central Government, to appoint a committee to undertake a survey on the situation relating to safety and health at work at any workplace or class of workplaces or into the effect of work activity on the health of the employees and other persons within and in the vicinity of the workplace in the following manner:

- (a) A committee to be constituted by DGOSH or the institution under the chairmanship of DGOSH for carrying out the survey.
- (b) The committee shall carry out the survey with a view to finding out the status of safety and health at work the workplace and its effect on the workers.

The report of the committee shall be of status of an inspection report and contain conclusive findings of the survey alongwith the recommendations for improving the status of occupational safety and health for prevention of accidents or dangerous occurrences or occupational diseases and containing suggestions for implementation therefor compliance of which shall be ensured by the inspector-cum-facilitator, as the case may be.

CHAPTER XII

OFFENCES AND PENALTIES

167. Manner of compounding of offences by the authorized officer specified under sub-section (1) of section 114.-(1) The officer notified by the Central Government for the purposes of compounding of offences under sub-section (1) of section 114 shall issue electronically a compounding notice for the offences for which are compoundable under section sub-section (1) of section 114.

(2) The person so noticed may apply to the officer electronically and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.

(3) The Compounding Officer shall issue a composition certificate within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.

(4) If a person so noticed fails to deposit the composition amount within the one months before the institution of prosecution, the prosecution shall be proceeded with before the competent Court.

(5) no prosecution shall be instituted without giving an opportunity to the employer to comply with such provisions subjected to proviso of sub-section (1) of Section 110 and compounding as under Section 114.

FORM-I**(See Rule-3)****Application for Registration for existing establishments/New Establishment/Amendment to certificate of Registration****A. Establishment Details.**

1. Retrieve details of Establishment through LIN:
2. Name of Establishment:
3. Location and Address of the Establishment:
4. Others details of Establishment:
 - a. Total Number of employees engaged directly in the establishment:
 - b. Total Number of the contract employees engaged:
 - c. Total Number of Inter-State Migrant workers employed:

5 (a) For factories:

Details of the manufacturing process	Full postal address and situation of the factory along with plan approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day
1	2	3	4

5 (b) For mines:

Name of Mineral(s)	Lease extent of the mine (in Acres)	Name and address of the owner	Average Monthly output, targeted (Tonne)	Maximum number of persons to be employed on any day
1	2	3	4	5

5 (c) For Dock work:

Name of dockWork / Major Port	Types of Dock Works	Name of the Cargo handled and stored along with quantity	Name of the chemicals handled and stored along with quantity	Name of the hazardous chemicals handled and stored along with quantity
1	2	3	4	5

5 (d) For building and other construction work:

Type of Construction work	Probable period of commencement of work	Expected period for completion of work	Details of approval of the local authority
1	2	3	4

6. Ownership Type/Sector:
7. Activity as per National Industrial Classification:
8. Details of Selected NIC Code:
9. Identification of the establishment e-sign/ digital sign of employer/ representative:

B. Details of Employer:-

1. Name & Address of Employer / Occupier / Owner/Agent/ Chief Executive/ port authorityetc :
2. Designation :

3. Father's/ Husband's Name of the Employer :

4. Email Address, Telephone& Mobile No :

C. Manager/ Agent Details

1. Full name & Address of Manager/ Agent or person responsible for supervision and control of the Establishment

2. Address of Manager/ Agent:

3. Email Address, Telephone& Mobile No :

D. Contractor Details

Name and Address Contractor	Email address& Mobile of Contractor	Name of Work	Maximum No. of Contract labour engaged	Date of Commencement / Probable date of Completion of work
1	2	3	4	5

E. Others Details:-

Signature/ E-sign/digital sign of employer

Dated:-

Place:-

FORM-II

(See Rule-3(1))

Certificate of Registration of Establishment

Registration No.

Date

A Certificate of registration containing the following particulars is hereby granted under sub section (2) of section 3 of the Occupational Safety, Health and Working Conditions Code, 2020 (....of 2020)
to..... (Name of the establishment)

1. Nature of work carried on in the establishment (Please tick mark)

(a) Factory

(b) Mining

(c) Dock work

(d) Contract Work

(e) Building and Other Construction Works

(f) any other work (not covered above)

2. Details of the establishment:

a. Total Number of employees engaged directly in the establishment:

b. Total Number of the employees engaged through contractor

c. Total Number of Contractors and their details:

c. Number of inter-state migrant workers engaged:

3 (a) For factories

Details of the manufacturing process	Full postal address and situation of the factory along with plan approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day
1	2	3	4

3 (b) For mines

Name of Mineral(s)	Lease extent of the mine (in Acres)	Name and address of the owner	Average Monthly output, targeted (Tonne)	Maximum number of persons to be employed on any day
1	2	3	4	5

3 (c) For Dock work

Name of Dock Work / Major Port	Types of Dock Works	Name of the Cargo handled and stored along with quantity	Name of the chemicals handled and stored along with quantity	Name of the hazardous chemicals handled and stored along with quantity
1	2	3	4	5

3 (d) For building and other construction work

Type of Construction work	Probable period of commencement of work	Expected period for completion of work	Details of approval of the local authority
1	2	3	4

4. Amount of registration fee paid.....

5. Remarks of registering officers

/Signature E -Sign/DSC of Registering Officer
along with designation

Place:

Date:

Conditions of Registration

(1). Every certificate of registration issued under rule 4 shall be subject to the following conditions, namely:

- (a). the certificate of registration shall be non-transferable;
 - (b). the number of workers employed in an establishment directly and contract employees shall not, on any day, exceed the maximum number specified in the certificate of registration; and
 - (c). Save as provided in these rules, the fees paid for the grant of registration certificate shall be non-refundable.
- (2). The employer shall intimate the change, if any, in the number of workers or the conditions of work to the registering officer within 30 days
 - (3). The employer shall, within thirty days of the commencement and completion of any work, intimate to the Inspector-cum-Facilitator, having jurisdiction in the area where the proposed establishment or as the case may be work is to be executed, intimating the actual date of the commencement or, as the case may be, completion of establishment such work in **Form IV** annexed to these rules electronically.
 - (4). A copy of the certificate of registration shall be displayed at the conspicuous places at the premises where the work is being carried on.

FORM-III**(See Rule-3(8))****Register of Establishment**

Sl. No.	Nature of work	Registration No. and Date	Name and Address, location of the establishment registered	Name, Address and Contact Details of Employer	Total number of Workers and Total Horsepower (if any)	Total number of contract Workers	Remarks
1	2	2	3	4	5	6	
	(a) Factories (b) Mines (c) Dock Work (d) Building and other Construction work (e) Contract work (f) Interstate Migrant Work (g) Any other work (not covered above)						

FORM-IV**(See Rule-3(9) and Rule- 5)****A- Notice of Commencement / cessation of Establishment:**

1. Registration No:
2. Name and Address of Establishment:-
3. Name & Designation of employer/ Port authority (who has ultimate control over the affairs of the establishment):-
4. Full address to which communication relating to the establishment to be sent :-
5. Nature of work of the establishment :-
6. In case of the notice is for commencement of work the approximate duration of work:-
7. in case of cessation, the date of cessation:

I/We hereby intimate that the work of establishment having registration No.dated is likely to commence/cessation is likely to be completed with effect from (Date)/ On (Date)

In case of cessation of work:

I/we hereby certify that the payment of all dues to the workers employed in the establishment have been made and the premises are kept free from storage of hazardous chemicals and substances.

Signature of the Employer

To,

The Inspector-cum-Facilitator

FORM-V**(Rule-6)**

The medical examination shall be conducted by a qualified medical practitioner as per following proforma:

A. Demographics:

Question	Answer	Remarks
Date:		
Name of the Worker:		
Age:		
Permanent Address:		
Gender:		
Total Number of family Members:		
Total monthly family Income:		
Is the employee under ESI (Employees' State Insurance) Scheme? If yes, provide IP Number.	Yes/No	
Is the employee under any other health scheme apart from ESI-Scheme? (If yes, provide the name of the scheme)	Yes / No	

B. Occupational History

Question	Answer	Remarks
Present Designation:		
Work Profile:		
Duration of service in the present work profile:		
Working Hours per shift:		
Night Shift Per Week:		
Night Shift per Month:		

C. Brief Review of Medical History: Diagnosed previously or currently under treatment or Currently suffering from

Question	Answer (Yes/No)	Remarks
Anaemia		
Jaundice		
Asthma		
COPD		
History of Any other Lung Disease: (If Yes, Please Specify)		
Vertigo/Dizziness		
Diabetes Mellitus		
Hypertension		
Any Cancer (If Yes, Please Specify the Cancer)		
Chronic Low Back Pain		
Chronic Pain in hand or Elbow		
Hernia		

Hydrocele		
Varicose Vein		
Haemorrhoids		
History of amputation/fracture/dislocation injury during work (If Yes, please specify)		
Dermatitis (If Yes, specify Site)		
Hearing Impairment		
Visual Impairment		
Any Major Illness requiring hospitalization in last 1 year (If Yes, Name of the Disease)		
Occupational Injury in Last 1 year: if yes Specify the Location of injury and frequency		

D. Current Symptoms-Diseases Module

Question	Answer (Yes/No)	Remarks
Smoking habit		
Chewing Tobacco or Pan Masala or Gutkha:		
Alcohol Addiction		
Dermatosis (Irritant Contact Dermatitis/Eczema/Chloracne/Allergic Contact Dermatitis):		
Mucosal Irritation of eyes/Nose/Throat with response to chemical agent or biological agent:		
Symptoms like Respiratory Difficulty/ Chest Tightness/ Dry Cough at beginning of shift:		
Currently suffering from TB:		
Jaundice or Hepatitis:		
Currently suffering from Low Back Pain		
Currently suffering from Pain in hand or Elbow:		
Currently suffering from Visual Problems		
Currently suffering from Hearing Problems		
Any current injury (amputation/ fracture/ dislocation)		
Any current musculoskeletal sprains/ strains		

E. Physical Examination

Date of Examination:

Question	Answer (Yes/No) or as appropriate	Remarks
General Skin Condition: (If Any Dermatitis, please mention its location)		
Weight (in Kg):		
Height (in Meter)		
Temperature (⁰ F):		
BP:		

Pulse:		
SpO2:		
Respiratory Rate:		
Examination of Breast of female-employee		

F. Investigation Report

- **Routine Blood Investigation: Attach the photocopy of the report**
- **Blood Grouping & Rh Typing and HB Electrophoresis Once in a lifetime**

Parameter	Answer (Normal/Increase/Decrease)	Value
Hb%:		
Total WBC Count and Differential Count:		
Platelet Count:		
ESR:		
FBS:		
PPBS:		
HBA1C level		
BUN:		
Creatinine:		
Total Protein		
Albumin		
Globulin		
SGOT		
SGPT		
Bilirubin		
Urine RE		
Urine ME		
Prostate Specific Antigen (PSA)		

G. Standard Chest X Ray (PA) View: attach the photocopy of the report**Date:**

Parameter	Answer (Normal/Abnormal)	Value (if any importance)
Report		

Report:

H. Spirometry: attach the photocopy of the report (For mine employee)**Date:**

Parameter	Answer (Normal/Increase/Decrease)	Value
PEFR:		
FEV ₁ :		
Observed:		

Predicted:		
FVC:		
Observed:		
Predicted:		
FEV ₁ /FVC:		
Final Report: Normal / Obstructive Lung Disease/ Restrictive Lung Disease/ Mixed Lung Diseases		

I. Audiometry (Pure Tone / BERA): attach the photocopy of the report (For Mine Employee)

Date:

Parameter	Value/Result/Interpretation
Visual inspection of Eye for any abnormality like wax in external ear, infection etc	
Right Ear Hearing Threshold:	
Left Ear Hearing Threshold:	
Final Report preferable based on BERA:	
Right Ear:	
Left Ear:	

J. Eye Examination: attach the photocopy of the report

Date:

Parameter	Value/Result/Interpretation
Visual inspection of Eye for any abnormality like corneal opacity/scarring, cataract etc.	
Visual Acuity: Right	
Visual Acuity: Left	
Colour Vision	
Field of Vision	
Binocularity	
Lateral Phoria	
Vertical Phoria	
Stereoscopic Vision and Depth Perception Testing	
Fundus (Retina) examination	

K. 12 lead ECG and Echocardiography:

Final Report:

L. MEDICAL FITNESS TESTS FOR PERSONS WORKING AT HEIGHT (*as may be applicable*):

1. Detailed Medical History and in-Depth General Medical Examination including tests for Vision, Hearing, Musculoskeletal System, Respiratory System, Cardiovascular System etc.

As applicable to all employees

2. Special Examination

a) Cardiovascular

Uncontrolled hypertension or ischemic heart disease will be a contraindication. In the presence of hypertension and abnormal ECG findings, the employee should be referred to a Cardiologist for fitness.

b) Tests for Labyrinthine functions and for sense of position Eye Examination for Bilateral Nystagmus, Romberg sign. The presence of bilateral nystagmus and a positive Romberg sign will be an absolute contra-indication.

c) Neurological examination Evaluate seizure disorders: CT Scan of Brain and E.E.G if indicated

d) Assessment of Diabetic Control Status:

(in case of employees suffering from Diabetes Mellitus)

e) Assessment of Phobia (Acrophobia) and any other Mental Health Disorder like Anxiety or Depression

d) Evaluation for Vertigo and Dizziness

For use of Industrial Safety Section:

Walking freely over a horizontal bar at 1 ft. height: PASS / FAIL

Wearing a safety belt and tying the rope knot: PASS/ FAIL

Walking over a horizontal structure at 9 ft. height wearing a belt: PASS/ FAIL

General physique (O.K./NOT O.K): PASS/ FAIL

M. Any other information/examination/biological investigation/test as mutually agreed by the employer and qualified medical practitioner.

FORM-VI

(See Rule-8)

NOTICE OF ACCIDENT OR DANGEROUS OCCURRENCE

E.S.I.C. Employer's Code number : E.S.I.C. Insurance

Number of the injured person :

1. Name of employer :

2. Address of works / premises
where the accident or dangerous
occurrence took place :

3. Nature of industry and
LIN of the establishment :

4. Branch or department and
exact place where the accident or
dangerous occurrence took place :

5. Name and address of the injured person :

6. (a) Sex :

(b) Age (at the last birthday) :

(c) Occupation of the injured person :

7. Local E.S.I.C. Office to which the
injured person is attached :

8. Date, shift and hour of accident
or dangerous occurrence :

9. (a) Hour at which the injured person
started work on the day of
accident or dangerous occurrence :

(b) whether wages in full or part are
payable to him for the day of the
accident or dangerous occurrence :

10. (a) Cause or nature of accident
or dangerous occurrence :

(b) If caused by machinery-

(i) Give the name of machine and the part causing the accident or dangerous occurrence :

(ii) state whether it was moved by mechanical power at the time of accident or dangerous occurrence :

(c) State exactly what the injured person was doing at the time of accident or dangerous occurrence :

(d) In your opinion, was the injured person at the time of accident or dangerous occurrence -

(i) acting in contravention of provisions of any law applicable to him; or

(ii) acting in contravention of any orders given by or on behalf of his employer; or

(iii) acting without instructions from his employer?

(e) In case reply to (d) (i), (ii) or (iii) is in the affirmative, state whether the act was done for the purpose of and in connection with the employer's trade or business. :

11. In case the accident or dangerous occurrence took place while travelling in the employer's transport, state whether -

(a) the injured person was travelling as a passenger to or from his place of work; :

(b) the injured person was travelling with the express or implied permission of his employer; :

(c) the transport is being operated by or on behalf of the employer or some other person by whom it is provided in pursuance of arrangements made with the employer; and :

(d) the vehicle is being/not being operated in the ordinary course of public transport service :

12. In case the accident or dangerous occurrence took place while meeting emergency, state- (a) its nature ; and

(b) whether the injured person at the time of accident or dangerous occurrence was employed for the purpose of his employer's trade or business in or about the premises at which the accident or dangerous occurrence took place. :

13. Describe briefly how the accident or dangerous occurrence took place :

14. Names and addresses of

witnesses : (1)
(2)

15. (a) Nature and extent of injury

(e.g. fatal, loss of finger,
fracture of leg, scald, scratch
followed by sepsis, etc.) :

(b) Location of injury (e.g. right leg,
left hand, left eye, etc.)

16. (a) If the accident or dangerous

occurrence was not fatal, state
whether the injured person was
disabled for more than 48 hours :

(b) date and hour of return of work :

17. (a) Physician, dispensary or hospital from
whom or which the injured person
received or is receiving treatment :

(b) Name of dispensary/panel doctor
elected by the injured person :

18. (a) Has the injured person died ? :

(b) If so, date of death :

I certify that to the best of my knowledge and belief the above particulars are correct in every respect.

Signature and Name and Designation of owner/ employer /manager/agent

Date of dispatch of report :

Place:

FORM-VII

[See Rule-57]

NOTICE OF PERIODS OF WORK

Name of the Establishment.....Place.....District.....

Periods of work Groups, Relays	Men												Women												Description of Groups, Nature of work	Remarks
	Total no. of men employed												Total no. of women employed													
	A			B			C			D			E			F			G			H				
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3		

On working days

From ..

To ..

From ..

To ..

From ..

To ..

On partial

Working days

From ..

To ..

From ..

To ..

Date on which this notice is first exhibited :

Signature of manager or agent :

Date :

FORM-VIII

(See Rule-58)

REGISTER OF WORKERS EMPLOYED IN AN ESTABLISHMENT, WAGES, OVERTIME, FINE, DEDUCTION FOR DAMAGE OR LOSS**Register of Wages, Overtime, Fine, Deduction for damage and Loss**

Name of the Establishment:

Name of the Employer:

Name of the Owner:

PAN/TAN of the Employer:

Labour Identification Number (LIN):

Sr. no. in Employee Register	Name of the employee	Designation / Department	Duration of Payment of Wages (Monthly/Fortnightly /Weekly/Daily/Piece rated)	Wage Period From-To	Total no. of days worked during the period	Total overtime (hoursworked or production in case of piece workers)	Rates of wages		
							Basic	DA	Allowances
1	2	3	4	5	6	7	8	9	10

Overtime earning	Nature of acts and omissions for which fine imposed with date	Amount of fine imposed	Damage or loss caused to the employer by neglect or default of the employee	Amount of deduction from wages	Total amount of wages paid	Date of Payment	Attendance	
							Date	Signature
11	12	13	14	15	16	17	18	19

FORM-IX

(See Rule-60)

ANNUAL RETURN**UNIFIED ANNUAL RETURN FORM****FOR THE YEAR ENDING.....**

Single Integrated Return to be filed On-line under the Occupational Safety, Health and Working Conditions Code, 2020, the Code on Industrial Relations, 2020, the Code on Social Security, 2020, and the Code on Wages, 2019

Instructions to fill up the Annual Return

- (1) This return is to be filled-up and furnished on or before 28th or 29th February every year.
- (2) The return has two parts i.e. Part-I to be filled up by all establishments.

- (3) Part-II to be filled-up by the establishments who are a Mine only in addition to Part-I.
- (4) The terms Establishment and Mines shall have the same meaning as under the Occupational Safety, Health and Working Conditions Code, 2020.
- (5) This return is to be filled-up in case of Contractor or manpower supplier who have engaged more than 50 workers and in case of Mines even if there is one worker employed in the relevant period.

Applicable to All Establishments - Part-I**A. General Information:**

Sl. No.			Instructions for filling the column
1.	Labour Identification Number		EPFO, ESIC, MCA, MoLE (LIN)
2.	Period of the Return	From - To-	Period should be calendar year
3.	Name of the Establishment		
4.	Email ID		
5.	Telephone No.		
6.	Mobile number		
7.	Premise name		
8.	Sub-locality		
9.	District		
10.	State		
11.	Pin code		
12.	Geo Co-ordinates		
B(a).	Hours of Work in a day		
B(b).	Number of Shifts		

C. Details of Manpower Deployed

Details	Directly employed				Employed through Contractor				Grand Total
Skill Category	Highly Skilled	Skilled	Semi-Skilled	Un-Skilled	Highly Skilled	Skilled	Semi-Skilled	Un-Skilled	
(i) Maximum No. of employees employed in the establishment in any day during the year	Male	Female	Transgender	Total	Male	Female	Transgender	Total	
(ii) Average No. of employees employed in the establishment during the year	Male	Female	Transgender	Total	Male	Female	Transgender	Total	
(iii) Migrant Worker out of (ii) above	Male	Female	Transgender	Total	Male	Female	Transgender	Total	
(iv) Number of fixed term employee engaged	Male	Female	Transgender	Total	Male	Female	Transgender	Total	

D. Details of contractors engaged in the Establishment:

Sl. No.	Name with LIN of the Contractor	No. of Contract Labour Engaged

E. Details of various Health and Welfare Amenities provided.

Sl. No.	Nature of various welfare amenities provided	Statutory (specify the statute)	Instructions for filling
1.	Whether facility of Canteen provided (as per section 24(v) of OSH Code, 2020)	Tick yes or no in the box	Applicable to all establishments where in hundred or more worker including contract labour were ordinarily employed
2.	Crèches (as per section 67 of Code on Social Security Code, 2020 and Section 24 of the OSH Code 2020)	Tick yes or no in the box	Applicable to all establishments where fifty or more workers are employed
3.	Ambulance Room (as per section 24(2)(i) of OSH Code, 2020)	Tick yes or no in the box	Applicable to mine, building and other construction work wherein more than five hundred workers are ordinarily employed
4.	Safety Committee (as per Section 22(1) of OSH Code, 2020.	Tick yes or no in the box	Applicable to establishments and factories employing 500 workers or more, factory carrying on hazardous process and BoCW employing 250 workers or more, and mines employing 100 or more workers.
5.	Safety Officer (as per section 22(2) of OSH Code, 2020)	No. of safety officers appointed	In case of mine 100 or more workers and in case of BoCW 250 or more workers are ordinarily employed.
6.	Qualified Medical Practitioner (as per Section 12 (2) of OSH Code 2020.	No. of Qualified Medical Practitioner appointed.	There is no specification for minimum number of Qualified Medical Practitioner employed in establishment. However, this detail is required to have data on occupational health.

F. The Industrial Relations:					Instructions for filling
1.	Is the Works Committee has been functioning. (section 3 of IR Code, 2020)		Yes/No		Industrial establishment in which 100 or more workers are employed
(a)	Date of its constitution.				
2.	Whether the Grievance Redressal Committee constituted (section 4 of IR Code, 2020)		Yes/No		Industrial establishment employing 20 or more workers are employed
3.	Number of Unions in the establishments.				
4.	Whether any negotiation union exist (Section 14 of IR Code, 2020)		Yes/No		
5.	Whether any negotiating council is constituted (Section 14 of IR Code, 2020)		Yes/No		
6.	Number of workers discharged, dismissed, retrenched or whose services were terminated during the year:				
	Discharged	Dismissed	Retrenched	Terminated or Removed	Grand Total
7.	Man-days lost during the year on account of				
Sl. No.	Reasons	Period / Date	No. of man-days lost	Loss in term of money	
(a)	Strike				
(b)	Lockout				
8.	Details of retrenchment / lay off				
Sl. No.	No. of persons retrenched during the	Details of payment paid to retrenched	No. of workers laid off during	No. of man-days lost due to lay-off	

	period	employees	the period		

G. Details pertaining to maternity benefit:

No. of female employees	No. of female employees availed maternity leave	No. of female employees paid medical bonus	No. of deduction of wages, if any made from female employees	

H. Details of payment of bonus:

Sl. No.	No. of employees covered under the Bonus provision	Total amount of bonus actually paid	Date on which the Bonus paid

I. Details of accidents, dangerous occurrence and notifiable diseases:

Sl. No.	Total number of accidents by which a person injured is prevented from working for a period of 48 hours or more as per Section 10 of the OSH Code, 2020.	Total number of fatal accidents and names of the deceased as per Section 10 of the OSH Code, 2020.	Total number of Dangerous Occurrences as defined under Section 11 of the OSH Code, 2020	Total number of cases of Notifiable Diseases specified in Third Schedule of the OSH Code, 2020 along with the details of affected persons

J. Mandays and Production Lost due to accidents / dangerous occurrence

Sl. No.	Accident/Dangerous Occurrence	Mandays lost	Production Lost

ANNUAL RETURN FORM IN CASE OF MINES ONLY, Part II

Annual Returns for the year ending on the 31st December.....

1. Particulars of the mine

(i)	Type of organization*	
(ii)	Type of ownership**	
(iii)	Company name/ Owner name	
(iv)	Type of mineral #	
(v)	Name of mineral	
(vi)	Type of mine###	
(vii)	Degree of gassiness***	
(viii)	Depth of working (Select for different workings)	
(ix)	Date of opening	
(x)	Date of closing (if any)	
(xi)	Date of reopening (if any)	

Company; *** Mention: I or II or III or NA; # Mention: Coal/Metal/Oil; ## Mention: Below Ground/Open Cast/ Above Ground/On Shore/Off Shore.

Sl. No.	Designation#	No. Required	No. Available	Shortage/ Surplus

[illegible]

[illegible]

Table B: Metalliferous Mines

Classification	Departmental												Contractual												Total											
	No. Of persons employed (on roll as on 31 st December				Total mandays worked				Average daily number of persons employed				No. Of persons employed (on roll as on 31 st December				Total mandays worked				Average daily number of persons employed				No. Of persons employed (on roll as on 31 st December				Mandays worked (Departmental+Contractual)				Average Daily Employment (Departmental + Contractual)			
	Male	Female	Transgender	Total	Male	Female	Transgender	Total	Male	Female	Transgender	Total	Male	Female	Transgender	Total	Male	Female	Transgender	Total	Male	Female	Transgender	Total	Male	Female	Transgender	Total	Male	Female	Transgender	Total				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)	(28)	(29)	(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)
(a) Underground																																				
Officers																																				
2. Mine Foreman, Mining Mate, Blaster, Electrical and Mechanical supervisors																																				
3. Workers																																				
4. Others																																				
5. Underground Total {a(1)+a(2)+a(3)+a(4)+a(5)}																																				
6. Maximum no. Of persons including contractual employees employed on any one day during the year																									Date: _____					No. Of Persons: _____						
(a) Opencast																																				
1 Officers																																				
2. Mine foreman, Mining Mate, Blaster, Electrical Supervisor and Mechanical Supervisor																																				
3. Workers																																				
4. Others																																				
5. Opencast Total {b(1)+b(2)+b(3)+b(4)+b(5)}																																				
6. Maximum no. Of persons including contractual employees employed on any one day during the year																									Date: _____					No. Of Persons: _____						

Table C : Oil Mines

Table C : Oil Mines

[illegible]

11. Maximum no. of persons including contractual employees employed on any one day during the year

Date:

No. of Persons:

Table A : Coal Mines

* Mention mineral: coal or lignite

[illegible]

Table C: Oil Mines

Item No.	Type of Product	Opening Stock on 1 st Jan	Production	Values (in Rupees)	Dispatches			Closing Stock as on 31 st Dec
					To Refinery	To market	For in-house Consumption	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	Oil (in Metric Tonnes)							
2.	Gas (in Metric Tonnes)							

5. Explosive used:

Consumption of explosives		Underground	Opencast	Total
(a)	Permitted explosives (Kg)			
(ii)	Non-Permitted explosives (Kg)			
(iii)	Total (i+ii)			
(iv)	Detonators (in Nos.)			

6. Machinery and Equipment**a. Aggregate horse-power of machinery and equipment installed in the mine**

Place	Electrical operated machinery (KW/HP)	Oil/Natural gas/steam/any other (KW/HP)	Compressed air operated machinery (KW/HP)	Total (KWHP)
Underground*				
Opencast*				
Aboveground*				
On shore*				
Off Shore*				
Total (HP)				

*- Delete whichever is not applicable

b. Voltage(s) at which electricity is used for lighting and machinery

S.No	Voltage	Installed Capacity(KW)

c. Machinery used in underground mine (for coal & metal mines)

Winding Engine		Man-riding other than winding		Other Transport		Coal Ore cutting/Ripping/Shearing		Drilling and Loading Machines		Compressors and Pumping		Conveyors		Mechanical Ventilator (Underground)/Aboveground		Coal Handling/Mineral dressing Plant		Other Machinery		Total	
(1)		(2)		(3)		(4)		(5)		(6)		(7)		(8)		(9)		(10)		(11)	
HP.	No.	HP	No.	HP	No.	HP	No.	HP	No.	HP	No.	HP	No.	HP	No.	HP	No.	HP	No.	HP	No.

*- Delete whichever is not applicable

d. Machinery used in Opencast mine (for coal & metal mines)

Material Transport		Other Transport		Coal/Ore cutting/Ripping/Shearing		Drilling Machines		Loading Machines		Compressors		Conveyors		Pumping		Coal Handling / Mineral dressing Plant (Above ground)		Other Machinery		Total	
(1)		(2)		(3)		(4)		(5)		(6)		(7)		(8)		(9)		(10)		(11)	
No.	HP	No.	HP	No.	HP	No.	HP	No.	HP	No.	HP	No.	HP	No.	HP	No.	HP	No.	HP	No.	HP

*- Delete whichever is not applicable

7. Details of drilling and other rigs, oil wells and gas wells and pipelines; exploration rigs & workover rigs (for Oil Mines):

a. Drilling and other rigs, oil wells and gas wells and pipelines:

Item No.	Classification	Number of Rigs			Total No. of Rigs in use
		Company Owned	Hired	O & M basis	
1.0	Drilling, workover and other rigs				
1.1	Drilling				
1.2	Workover				
2.0	Oil, gas and other wells				
2.1	Wells drilled				
2.2	Wells abandoned				
2.3	Gas wells completed				
2.4	Oil wells completed				
2.5	Gas wells on production				
2.6	Oil wells on production				
2.7	Oil wells where production discontinued				
3.0	Pipelines	Length (in meters)			Diameter (in meters)
3.1	Flow lines laid from wells to gathering station				
3.2	Pipelines laid from gathering station to central processing & storage tanks				
3.3	Others (specify)				

b. Exploration rigs & Workover rigs

Exploration rigs:				Workover rigs:		
Name of the drilling- rig	Date of commissioning	Number of wells drilled during the year	Total meters drilled since its commissioning	Name of the workover rig	Date of commissioning	Description of work done during the year

8.0 Medical Examination & Training

8.1 Initial/periodical medical examination (IME/PME) conducted during the year

Number of persons employed			Number of persons required to undergo IME			Number of persons undergone IME			Number of persons required to undergo PME			Number of persons undergone PME			Number of persons declared medically unfit			Number of persons given special/higher medical treatment		
Departmental	Contractual	Total	Departmental	Contractual	Total	Departmental	Contractual	Total	Departmental	Contractual	Total	Departmental	Contractual	Total	Departmental	Contractual	Total	Departmental	Contractual	Total

8.2 Occupational diseases

Sl No.	Disease Name	No. of cases	
		Departmental	Contractual
1.	*		
2.	*		
Total			

Note: * Mention diseases specified under Third schedule of the OSH & WC Code, 2020 connected with mining operations, whichever is applicable.

8.3 Vocational training imparted during the year

Number of persons employed			Number of persons required to undergo Basic Vocational Training			Number of persons imparted Basic Vocational Training			Number of persons required to undergo Refresher Training			Number of persons imparted Refresher Training			Number of persons imparted special Training		
Departmental	Contractual	Total	Departmental	Contractual	Total	Departmental	Contractual	Total	Departmental	Contractual	Total	Departmental	Contractual	Total	Departmental	Contractual	Total

9.0 Accident and Dangerous Occurrence statistics

	Fatal Accidents			Serious Accidents		Reportable Accidents		Minor Accidents		Dangerous Occurrences	
	No. of accidents	No. of persons killed	No. of persons seriously injured	No. of accidents	No. of persons seriously injured	No. of accidents	No. of persons Injured	No. of accidents	No. of persons Injured	No. of Occurrences	Nature of Occurrence [#]
Underground*											
Opencast*											
Aboveground*											
On Shore*											
Off shore*											
Total											

*- Delete whichever is not applicable; #- Select from List of Dangerous occurrence given in Mines Regulations

10. Safety Management Plan:**A. Review, audit and SOP:**

- (i) Last date of review of Safety Management Plan:
- (ii) Last date of audit of Safety management Plan:
- (iii) No. of SOP framed and implemented as per Safety Management Plan:

B. Principal Hazard Management Plan:

Sl. No.	List of principal hazards identified	Principal hazard mitigation date as per Safety Management Plan	Status of principal hazard as on 31 st December**	Remarks in case principal hazard has not been mitigated till date with reasons for failure to mitigate the same
1.	*			
2.	*			
3.	*			

Note : Add rows as per requirement; * Mention principal hazards; ** Write “Mitigated” or “Not Mitigated”

11. Mines Rescue Station:

- (i) Location of the Mines Rescue Station:
- (ii) Address of the Mines Rescue Station:
- (iii) Name of the Superintendent of Mines Rescue Station:
- (iv) Postal address, email ID and Mobile Number of the Superintendent of Mines Rescue Station:
- (v) Details of equipment/apparatus and personals

Type of equipment/Apparatus provided in Mines Rescue Stations/Mines Rescue Rooms	Number provided	Personals	Number provided
		Superintendent	
		Instructors	
		Rescue brigades	
		Number of Rescue Rooms	
		Rescue room in-charge	
		Number of underground mines served by the rescue station	
		Number of rescue trained persons	
		Number of rescue trained persons given refresher practice	
		Number of rescue trained persons medically examined	

- (vi) Particulars of emergencies attended:

Certified that the tables in prescribed format are duly filled in and information and/ figures given in all the tables are correct to the best of my knowledge.

Signature of Owner/Agent/Manager with seal

Place:

Dated:

FORM-X**(See Rule-61)****REGISTER OF ACCIDENTS AND DANGEROUS OCCURRENCES**

Name of Injured person (if any)	Date of Accident or dangerous occurrence	Date of report to Inspector-cum-Facilitator	Nature of accident or dangerous occurrence	Date of return of injured Person to work	Number of days the injured Person was absent from work
1	2	3	4	5	6

FORM-XI**[See Rule-62]****REGISTER FOR LEAVE WITH WAGES**

Part I - Adults

Part II - Adolescents

Establishment:

Name of worker :

Department :

Father's Name:

Sl. No	Sl.no. in the register of workers	Date of entry into service	Interruptions					Leave due with effect from	Whether leave not desired during the next 12 months	Date from which the worker is allowed leave	Wages for Leave Paid in	Discharged worker		Remarks
			Sickness and accidents	Authorized Leave	Lock Out or Legal Strike	Involuntary unemployment	Others					Date of Discharge	Date & amount of payment made in lieu of leave due	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Note:- Separate page shall be allotted to each worker**FORM -XII****(Rule-64)****IMPROVEMENT NOTICE AND PROHIBITION ORDER****PART I****PROHIBITION ORDER**

Inspector-cum-facilitators Notice on Inspection of Establishment, Lifting Appliance, Loose Gears and other such gears, Equipment, Ladders and Staging. Inspector-cum-Facilitator's notice to the occupier, employer, owner, master, Officer-in-charge, Owner of lifting appliances, loose gears and lifting devices or the person, scaffold who, by himself, his agents, or his employers as the case may be.

Name of the establishment, lifting appliance, lifting device, transport equipment, ladders and staging	Where situated lying/used/location	Registration no. of the establishment	LIN No. of the establishment
1	2	3	4

An inspection of the above named establishment, lifting appliances, loose gears, lifting devices, transport equipment, ladders and staging was made on _____.

The activities connected with establishment-which are being carried on by you/about to be carried on by you/under your control involve a risk or danger to the life. Safety and health of employee and involve the following contraventions :

CONTRAVENTIONS

Therefore, I hereby direct that the said activities shall not be carried on by you or under your control unless the said contraventions and matters mentioned have been remedied to the satisfaction of the Inspector-cum-Facilitator. This order is being issued without prejudice or any legal action which may be taken for these contraventions.

On hearing from you that the requirements have been complied with the establishment, lifting appliance, loose gear or similar gear/transport equipment/ladders/ staging, scaffold shall again be visited with a view to the inspection being completed.

No. _____

Dated at _____ this _____ day of 20 _____

Inspector-cum-Facilitator under the Occupational Safety, Health and Working Conditions Code, 2020

REQUIREMENTS

On compliance with all or any of the above contraventions, the Inspector-cum-Facilitator shall be informed in the manner prescribed overleaf, of the date and place at which the establishment, lifting appliance, loose gears or similar gear transport equipment, ladders and staging, scaffold can be re-inspected.

Sir,

The contravention notified by you have been effectively attended to. The establishment, lifting appliance, loose gears or similar gear, transport equipment, ladders and staging, scaffold shall be ready for inspection on the date

Sir,

The contravention notified by you have been effectively attended to. The establishment, lifting appliance, loose gears or similar gear, transport equipment, ladders and staging, scaffold shall be ready for inspection on the date and place named below:

Date of Inspection	Place
Dated at _____ this day of _____ 20 _____	Employer, Occupier, Owner, Manager, Master, Officer-in-charge or Agents, owner of machinery and gear or the person, who by himself, his agents or his employers, carried on the establishment.

To

The Inspector-cum-Facilitator under the Occupational Safety, Health and Working Conditions Code, 2020

PART - II

Improvement Notice

Inspector-cum-Facilitator's notice to the employer, Owner, Master, Manager, Officer-in-Charge or Agents, Owner of lifting appliances, loose gears lifting devices, scaffold or the person, who, by himself, his agents or his employers, carries on the establishment, as the case may be.....

Name of the establishment, lifting appliances, loose gear, lifting device, transport, equipment, ladders and stagings, scaffold;	Where situated/lying used/location	Port of Registry	Official no.(if any) of the ship

An inspection of the above-named establishment, ~~deck~~ ship, lifting appliances, loose gears, lifting devices, transport equipment, ladders and stagings, scaffold was made on

The following contraventions were observed. You are required to remedy the said contraventions and send the compliance report in writing within..... days.

This notice is being issued without prejudice to any legal action which may be taken for these contraventions on hearing from you that the requirements have been complied with the establishment, lifting appliance/loose gear or similar other gear/transport equipment/ladders/ staging, scaffold will again be visited with a view to the inspection being completed.

Contraventions No. _____ Dated _____ this _____ day of _____
20____ Inspector-cum-Facilitator under the Occupational Safety, Health and Working Conditions Code, 2020

Requirements. On compliance with all or any of the requirements, the Inspector-cum-Facilitator should be informed in the manner prescribed overleaf of the date and place at which the establishment, lifting appliance, loose gear, transport equipment, ladders and staging, scaffold can be re-inspected.

The requirements noted by you have been effectively fulfilled. The establishment, lifting appliance, loose gear, lifting devices, transport equipment, ladders and staging, scaffold will be ready for inspection on the date and place named below:

Date of Inspection	Place
Dated at _____ this day of _____ 20____	Employer, occupier, Owner, Master, Manager, Officer-in-charge or Agents, owner of machinery and gear or the person, who, by himself, his agents or his employers, carried on the establishment.

To

The Inspector-cum-Facilitator under the Occupation Safety, Health and Working Conditions Code, 2020.

FORM-XIII

(Under Rule-71 and 72)

APPLICATION FOR LICENSE

On Line Application for License/ Renewal of License/Amendment of License (including Common/single license)
Government of India, Ministry of Labour and Employment
ESTABLISHMENT PROFILE:
Labour Identification Number _____ Date _____
Acknowledgement Number: Date of Application:
I. Particulars of Establishment for which licence required:
1. Name of Establishment:
2. Address of establishment
(a) Head Office address along with email Id :
(b) Corporate office address along with email Id:
3. Telephone Number :
4. Activity as per National Industrial Classification : (Select all applicable activities given)
5. Details of selected NIC Code:
6. Nature of work carried on in main establishment :
7. Identifier of the Establishment : (Select) : esign/digital sign
II. Details of Employer:
1. Full Name of Employer:relationship with establishment.
2. Full Address of Employer:

3. Email Id of employer:
4. Mobile No. of employer:
III. Particulars of the Contract Labour to be employed / is employed (If licence is required work wise)

Locations of worksites	Name of works	Activity as per national industrial classification	Date of commencement	Date of completion	Name of Establishments in which contract labour is/proposed to be employed	Name Address, email id of the Site Incharge
1	2		3	4	5	6

5. Maximum number of workmen proposed to be employed on the Establishment on any date: 24
6. Amount of Licence Fee: INR (Transaction Id :)
7. Amount of Security Deposit: INR (Transaction Id :)
IV. DETAILS OF ESTABLISHMENTS FOR WHICH COMMON LICENCE REQUIRED , (IF APPLYING FOR)

Type of Establishments	Name & Address of establishment	(i)Nature of work carried out in the establishment (ii) Activity as per National Ind'l classification	Date of commencement	Permanent establishment or probable date of completion	Maximum number of employees employed/ proposed to be employed	Maximum number of employees employed/ proposed to be employed
1	2	3	4	5	6	7

V. DETAILS OF ESTABLISHMENTS FOR WHICH SINGLE LICENCE IS REQUIRED (IF APPLYING FOR)
--

Name of States in which the establishments are situated	Name of each work	Maximum number of labour will be/is employed	Date of commencement	Permanent establishment or probable date of completion	Maximum number of employees employed/ proposed to be employed	Registration number, if obtained, then details thereof
1	2	3	4	5	6	7

Signature of Contractor
(eSign/DSC)

Note: This is an online application summary applied on Shram Suvidha Portal.

APPLICATION FOR RENEWAL OF LICENCE

1. Licence No.	Date :
2. LIN & PAN	
2. Name and address of the establishment:	
3. Date of expiry of previous licence :	
4. Whether the licence of the employer/contractor was suspended or revoked:	
5. Details of Fees paid : (Enclose e-payment receipt): Amount date of payment :	
E-sign /digital sign of the employer/contractor date:	

APPLICATION FOR AMENDMENT OF LICENCE :	
1. Licence No	Date:
2. LIN & PAN	
3. Name and address of the establishment:	
4.Details for which amendment is sought :	
(a). Maximum number of worker presently employed : (If there is increase in the maximum number of workers to be employed, then additional fees/security deposit as per law needs to be deposited:	
(b). Details of fees paid through e payment date on which made :	
©. Other details requiring amendment in the licence issued (Necessary documents may be uploaded in support of change required)	

E-sign /digital sign of the employer/contractor

date of application.

FORM-XIV**(Under Rule-73)****PROFORMA OF LICENSE**

Licence No. -----

Reg. No. -----

Date of Reg. -----

Licence is hereby granted to -----

for the premises known as -----

situated at -----

for use as a establishment within the limits stated herein after, subject to provisions of the Occupational Safety, Health and Working Conditions Code, 2020, and the rules made there under.

The ----- 20..

Issuing Authority

Sl.No.	Period of issue	Valid For	Fee	Date of Payment	Excess fee for late payment	Date of payment	Signature of the Issuing Authority
		Maximum number of Contract labour /workers on any one day					

AMENDMENTS:

Year when Amended	Maximum number of Contract labour /workers on any one day	Date of payment of amendment fee	Date of Payment	Signature of the Issuing Authority

FORM-XV**(Under Rule-83)****EXPERIENCE CERTIFICATE OF CONTRACT EMPLOYEE**

<u>To whom so ever concerned</u>	
1.	Name of contractor/employer*:
2.	LIN/PAN No. of the contractor/employer *:
3.	Email Id of the contractor /employer *:
4.	Mobile No. of the contractor/employer *:
5.	Nature and location of work:
6.	Name of Principal Employer*:
7.	LIN/PAN No. of the Principal Employer :*
8.	Email Id of the Principal Employer : *
9.	Mobile No. of the Principal Employer :*
10.	Name of the worker*:
11.	UAN / Aadhaar No.:
12.	Mobile No. :
13.	Serial Number in the Employee Register :
14. Registration number, date and name of the Board if the building and other construction worker is registered as a beneficiary:	
15.	Period of Employment:
16.	Designation:
Seal and Signature of Contractor	
*Please strike off whichever is not applicable.	

FORM-XVI**(Under Rule-88)****Agreement between Producer and Audio-visual worker**

This agreement is made on this day monthyear..... between Messers..... having office at (hereinafter referred to as the “Producer”) on the first part and Shri/Smt/Kumson/daughter/wife of Shri residing at (hereinafter referred to as the “audio-visual worker”) on the second part. The terms ‘Producer’ and ‘audio-visual worker’ shall include their heirs, successors, administrators and legal representatives:

Now, therefore this agreement is made as follows:

1. That both the parties agree that the duration of this agreement shall be from the date hereof till the completion of the audio-visual and this period shall not exceed consecutive months.
2. That the audio-visual worker agrees to attend studio, location or work place, as the case may be, subject to the requirement of his previous engagement and on his confirmation, to his respective job punctually as and when he shall be required by a written intimation by the Producer or the person duly authorised by him in writing.

3. That inconsideration of the audio-visual worker services, as aforesaid, the Producer agrees to pay and the audio-visual worker agrees to receive a sum of Rs.(Rupees) payable as advance on signing of this agreement and the balance of Rs.payable in equal installments.
4. That in the event of the audio-visual production being not complete within the stipulated period and the Producer still needing the services of the audio-visual worker to complete the audio-visual production, the producer agrees to pay and the audio-visual worker agrees to receive additional remuneration on pro-rata basis, payable in the same manner as stated in Clause 3 above, till the completion of the production.
5. That in case the assignment of the audio-visual worker is completed earlier than the period stipulated in Clauses 1 and 4 above, the producer shall settle the account of the audio-visual worker and pay the remaining balance of the agreement amount in full before the commencement of re-recording work/censor of the production, whichever is earlier.
6. That the audio-visual worker shall, if so required,
 - (a) attend the studios, location or work-place, as the case may be, earlier than the a scheduled time of the shift, for preparatory work, and in that case, he/she shall be paid by the Producer extra wages at the rate of Rs.per hour or part thereof for such early attendance.
 - (b) continue to work beyond the working day, with one hour break and in that case, he/she shall be paid by the Producer extra wages at the rate of Rs..... for the work during the extended hours and refreshments, and transport facilities.
8. That the Producer shall provide transport and food or pay traveling allowances to and fro to report to duty and food allowance while on duty as are customary or fixed by bilateral arrangements between the Producer's and audio-visual worker's representative organizations.
9. That the Producer shall also pay for all travelling and accommodation expenses, fares, cost of food and such other allowances as are customary when the audio-visual worker is required to work on location outdoors.
10. That the Producer shall get the audio-visual worker insured for any injury or damage to his/her person including death caused by accident arising out of or in the course of his/her employment and/or during the period of his/her assignment under this agreement.
11. That where the Producer is prevented from proceeding with the production of the audio-visual by reason of fire, riot, natural calamity, order of the public authority or any other reason beyond his control :-
 - (a) he shall be entitled to suspend the operation of this agreement during the period of suspension of production in case the production is suspended. The producer shall serve notice in writing of such suspension on the audio-visual worker and shall pay all his/her dues up to the date of service of such notice. Upon resumption of work on the film, this agreement shall revive and shall remain valid for the period stipulated in Clause I excluding the period of suspension therefrom ; or
 - (b) he shall be entitled to terminate this agreement as from the cessation of production, in case the production ceases completely. The producer shall serve a notice in writing of such cessation on the audio-visual worker and make payment of all the amount due to the audio-visual worker at the time of termination.
12. That in case if the Producer desires to terminate this agreement before the expiry of its term for reasons other than misconduct in relation to performance of the audio-visual worker's duties or of his/her unwillingness to perform the services required under this agreement, the producer shall be entitled to do so only upon payment of the balance of the stipulated amount of the agreement. Only after such payment to the audio-visual worker, the Producer shall be titled to employ another audio-visual worker in his/her place.
13. That the Producer shall have the right to terminate this agreement on ground of misconduct on the part of the audio-visual worker in relation to performance of his/her duties or his/her unwillingness to perform the service required under the agreement, upon payment to the audio-visual worker of the amount due at the time of termination, calculated taking into consideration the audio-visual worker's total work in the audio-visual and the work he/she has completed till the date of termination of this agreement. Termination under this clause shall not be made unless the charges of the Producer against the audio-visual worker are proved before a forum comprising equal number of representatives of the Producers' Organisation and the audio-visual worker's Organisation to which the Producer and the audio-visual worker respectively may belong. The decision of the forum shall be binding on both the parties. The producer can engage another audio-visual worker for the job towards this agreement only after the forum has given a decision in favour of such termination and the audio-visual worker has been paid all his dues.

14. That in case of premature termination of this agreement, it shall be the option of the Producer whether or not to retain the work of the audio-visual worker in the audio-visual and at the same time, it shall be option of the audio-visual worker whether or not to allow his/her name to go on the credit titles of the film.
15. That the Producer shall have the right to decide the manner of representing the audio-visual worker's personality on the screen, his/her clothes, make-up and hair-style and the audio-visual worker shall fully and willingly comply with the direction of the Producer in this regard, provided that the requirements of the Producer in this respect have been notified to the audio-visual worker and accepted by him/her.
16. That the audio-visual worker agrees that he/she shall render his/her services to the best of his/her ability in such manner as the Producer or, at his instance, the Director of the audio-visual may direct and shall comply with all reasonable instructions that he may give for the production of the film.
17. That the Producer shall also pay for all traveling and accommodation expenses, fares, cost of food and such other allowances as are customary when the audio-visual worker is required to work on location outdoors.
18. That the Producer shall get the audio-visual worker insured for any injury or damage to his/her person including death caused by accident arising out of or in the course of his/her employment and/or during the period of his/her assignment under this agreement.
19. That where the Producer is prevented from proceeding with the production of the audio-visual by reason of fire, riot, natural calamity, order of the public authority or any other reason beyond his control :-
- (a) he shall be entitled to suspend the operation of this agreement during the period of suspension of production in case the production is suspended. The producer shall serve notice in writing of such suspension on the audio-visual worker and shall pay all his/her dues up to the date of service of such notice. Upon resumption of work on the film, this agreement shall revive and shall remain valid for the period stipulated in Clause I excluding the period of suspension there from ; or
 - (b) he shall be entitled to terminate this agreement as from the cessation of production, in case the production ceases completely. The producer shall serve a notice in writing of such cessation on the audio-visual worker and make payment of all the amount due to the audio-visual worker at the time of termination.
20. That in case if the Producer desires to terminate this agreement before the expiry of its term for reasons other than misconduct in relation to performance of the audio-visual worker's duties or of his/her unwillingness to perform the services required under this agreement the producer shall be entitled to do so only upon payment of the balance of the stipulated amount of the agreement. Only after such payment to the audio-visual worker, the Producer shall be entitled to employ another audio-visual worker in his/her place.
21. That the Producer shall have the right to terminate this agreement on ground of misconduct on the part of the audio-visual worker in relation to performance of his/her duties or his/her unwillingness to perform the service required under the agreement, upon payment to the audio-visual worker of the amount due at the time of termination, calculated taking into consideration the audio-visual worker's total work in the audio-visual and the work he/she has completed till the date of termination of this agreement. Termination under this clause shall not be made unless the charges of the Producer against the audio-visual worker are provide before a forum comprising equal number of representatives of the Producers' Organisation and the audio-visual worker's Organisation to which the Producer and the audio-visual worker respectively may belong. The decision of the forum shall be binding on both the parties. The producer can engage another audio-visual worker for the job towards this agreement only after the forum has given a decision in favor of such termination and the audio-visual worker has been paid all his dues.
22. That in case of premature termination of this agreement, it shall be the option of the Producer whether or not to retain the work of the audio-visual worker in the audio-visual and at the same time, it shall be option of the audio-visual workers whether or not to allow his/her name to go on the credit titles of the film.
23. That the Producer shall have the right to decide the manner of representing the audio-visual worker's personality on the screen, his/her clothes, make-up and hair-style and the audio-visual worker shall fully and willingly comply with the direction of the Producer in this regard, provided that the requirements of the Producer in this respect have been notified to the audio-visual worker and accepted by him/her.
24. That the audio-visual worker agrees that he/she shall render his/her services to the best of his/her ability in such manner as the Producer or, at his instance, the Director of the audio-visual may direct and shall comply with all reasonable instructions that he may give for the production of the film.
25. That the audio-visual worker shall comply with all the regulations of the studio, location or work place as the case may be.

28. That the Producer shall not utilise the work of the audio-visual worker in any film, other than the audio-visual under this agreement, without prior permission of the audio-visual worker.

The parties have put their hands to this agreement on the date, month and year said above in the presence of each other and in the presence of the witnesses.

Name Address

2. Witness audio-visual worker

Name Address

[F. No. S-65025/01/2020-ISH-II]

GOPAL PRASAD, Economic Adviser